FEDERAL REGISTER

VOLUME 25 NUMBER 17

Washington, Tuesday, January 26, 1960

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Development Loan Fund

Effective upon publication in the FEDERAL REGISTER, paragraph (d) is added to § 6.362 as set out below.

§ 6.362 Development Loan Fund.

* * * * *

(d) One Special Assistant to the Managing Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-750; Filed, Jan. 25, 1960; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

The regulations governing the grading and inspection of poultry and edible products thereof (7 CFR, Part 70, Subpart (a), as amended) are further amended as hereinafter set forth pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.).

1. Section 70.93(a) of said regulations is changed to read as follows:

§ 70.93 Marking inspected products.

(a) *Wording and form of inspection mark.* Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall be in accordance with and in the appropriate form shown in § 70.382. The appropriate plant number of the official plant shall be included in the mark unless it appears elsewhere on the packaging material. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. When the inspection mark, or the approved abbreviation thereof, is used on packaging material, it shall be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product shall be printed on the packaging material or label, as the case may be, except that on shipping containers and containers for institutional packs the inspection marks may be stenciled on the container and when the inspection mark is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp. Notwithstanding the foregoing, the name and address of the packer or distributor, if appropriately shown elsewhere on the packaging material, may be omitted from insert labels and giblet wrappers which bear an official identification if the applicable plant number is shown.

2. Section 70.382 of said regulations is changed to read as follows:

§ 70.382 Form of inspection mark.

(a) For plants furnished inspection under this part and which are operating

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

under exemption from the Poultry Products Inspection Act, the inspection mark approved for use on inspected and certified edible products shall be contained within a circle and include the following wording: "Inspected for Wholesomeness by U.S. Department of Agriculture." The form and arrangement of such wording shall be as indicated in the example in Figure 3. The plant number of the official plant shall be set forth if it does not appear on the packaging material.

(b) For other plants furnished inspection under this part, the inspection mark approved for use on inspected and certified edible products shall be contained within the outline of a hexagon and contain the following wording: "USDA Inspected and Passed—Plant No.—Voluntary Poultry Inspection Service." The form and arrangement of such wording shall be as indicated in the example in Figure 4.

FIGURE 3.

FIGURE 4.

§ 70.384 [Amendment]

3. In § 70.384 of said regulations, the term "figure 5" is substituted for "figure 4" wherever the latter term appears.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

The amendments shall become effective upon publication in the FEDERAL REGISTER. The amendments provide for a change in the form of inspection mark approved for use on inspected and certified edible products in plants which are not exempted under the Poultry Products Inspection Act and which are furnished inspection under this part. This change is necessary in order to differentiate between products inspected under this Part which are eligible for shipment in interstate or foreign commerce and those which are not, and should be made effective as soon as possible in order to facilitate enforcement of the Poultry Products Inspection Act. No new obligations are imposed hereby on any person. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice of rule-making and other public rule-making procedure on the amendments would be impracticable and unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of January 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-769; Filed, Jan. 25, 1960; 8:55 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 6]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Orders Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area (7 CFR Part 906), it is hereby found and determined that:

(a) The following provisions of the order will not tend to effectuate the declared policy of the Act during February 1960: §§ 906.14, 906.15, 906.65, 906.73, 906.80(d)(1)(ii)(d), and in § 906.72 the phrase, "of August through January".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice prior to the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will permit all producers to be paid the uniform price for all milk delivered by them to pool plants during the month of February 1960.

(4) This suspension action is based on the record of a public hearing held at Oklahoma City, Oklahoma, on July 28 through July 30, 1959 (24 F.R. 5549), and reopened at Tulsa, Oklahoma, on September 23, 1959 (24 F.R. 7585). From such record it is concluded that the provisions of the "base plan" should not be operative during February 1960.

Therefore good cause exists for making this order effective February 1, 1960.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective for the month of February 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 20th day of January 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-741; Filed, Jan. 25, 1960; 8:49 a.m.]

[Milk Order 25]

PART 925—MILK IN PUGET SOUND, WASH., MARKETING AREA

Order Terminating Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Puget Sound, Washington, marketing area (7 CFR Part 925), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

(1) The second and third sentences of § 925.16.

(2) Section 925.102(a)(4) in its entirety.

(3) The phrase "and shall require the filing of a new application as required by subparagraph (4) of this paragraph" appearing in § 925.102(a)(5).

(4) Section 925.102(b) in its entirety.

(5) The parenthetical phrase "(and upon the applicant for such designation)" appearing in § 925.102(f).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This termination order will eliminate a requirement on persons affected by such provisions not essential to their administration.

Therefore, good cause exists for making this order effective at the earliest possible date.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated effective upon publication of this order in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 20th day of January 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-742; Filed, Jan. 25, 1960; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 249; Amdt. 87]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Aircraft

Airworthiness directive 59–25–1 (24 F.R. 9620) required inspections of wing outboard foreflaps. A modification has been developed which eliminates the need for the special inspections.

Since the incorporation of the modification is not mandatory but provides a means to relieve operators of the burden of special inspections, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is amended as follows:

BOEING. Applies to all Model 707 Series aircraft.

Due to recent failures of the wing foreflaps, the following must be accomplished at times indicated:

(a) Conduct daily inspection of the original type outboard foreflap, P/N's 65–7360–3007 and 65–7360–3008, on outboard mainflap as follows:

(1) Conduct detail visual inspection of foreflaps for any evidence of cracking.

(2) By use of borescope or equivalent, inspect interior web, flanges and cutouts on both the inboard and outboard end ribs for cracks or other damage.

(3) By means of dye check or equivalent, examine skin areas at ends of reinforcement plate on upper surface.

(b) When the original type outboard foreflap on each outboard mainflap has been replaced with the redesigned type, P/N's 65–7360–3023 and 65–7360–3024, the daily inspection, (a) above, may be discontinued. However, the redesigned foreflap must then be inspected at intervals not to exceed 65 hours time in service as prescribed in (a)(1) and (a)(2) above.

(c) Any outboard foreflap showing evidence of cracking or other damage must be replaced or repaired in accordance with FAA approved manufacturer's instructions prior to next flight.

(d) The special inspections of the outboard foreflap, P/N's 65–7360–3023 and 65–7360–3024, prescribed in (b) above may be discontinued when an inertia damper P/N's 69–11124–1 (left wing) and 69–11124–2 (right wing) has been installed on the foreflaps.

(Boeing Service Bulletins No. 546 (R–2) dated November 18, 1959, and No. 566 dated August 26, 1959, cover criteria on the same subject.)

This supersedes AD 59–25–1.

This amendment shall become effective immediately.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 20, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–712; Filed, Jan. 25, 1960; 8:45 a.m.]

[Reg. Docket No. 250; Amdt. 88]

PART 507—AIRWORTHINESS DIRECTIVES

Piper PA–23 Aircraft

Investigation of instances of short circuiting in the starter solenoid circuits revealed that certain Piper PA–23 aircraft do not incorporate circuit protective devices in the solenoid control leads. This condition results in failure of electrical components and production of smoke and fire. Since safety is affected by this type of failure, it is necessary to require an increase in cable size and the installation of a circuit breaker.

In the interest of safety the Administrator finds that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to PA–23 aircraft Serial Numbers 23–747 to 23–1534 inclusive.

Compliance required not later than March 1, 1960.

To preclude recurrence of short circuiting of the control circuits of the engine starter solenoids, electric cables Nos. P2B, P20A and P20B in the starter solenoid circuits shall be increased in size to 16 gage and a 15 ampere trip-free circuit breaker installed in the circuit at the point where lead P2B connects into the electric system. An appropriate placard must be installed adjacent to the new circuit breaker to provide adequate identification.

(Piper Service Bulletin No. 175 dated June 9, 1959, covers this subject.)

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 20, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–713; Filed, Jan. 25, 1960; 8:45 a.m.]

[Reg. Docket No. 251; Amdt. 89]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Airworthiness directive 59–21–2 (24 F.R. 8928) required inspections to detect any loosening of wing leading edge attachment screws between fuselage and outboard nacelles on Lockheed 188 aircraft until a corrective means could be developed. This correction is now incorported in the directive and eliminates the need for special inspections when installment is made.

Since this amendment grants relief and delay in extending such relief would impose an undue hardship, the Administrator for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted and that this amendment may be made effective immediately.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is amended as follows:

59–21–2 Lockheed 188 aircraft as it appeared in 24 F.R. 8928 is revised by deleting the final paragraph and adding the following paragraphs:

The above inspection program may be discontinued upon the removal of the NAS 517–3 screws from all leading edge attachments, top and bottom, and the installation of LPHT 517–3 screws. Torque all new leading edge attaching screws to 45–55 in./lb.

(Lockheed Service Bulletin 88/SB–334 covers this same subject.)

NOTE: LPHT–517 refers to Lockheed Specification for a Long-Lok, Polyvinyl insert, High torque screw.

This amendment shall become effective immediately.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 20, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60–714; Filed, Jan. 25, 1960; 8:45 a.m.]

[Reg. Docket No. 157; Amdt. 90]

PART 507—AIRWORTHINESS DIRECTIVES

Wright TC18DA and TC18EA Series Engines

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the power recovery turbine oil control valve on Wright TC18DA and TC18EA Series engines was published in 24 F.R. 8610.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received. However, after consideration of all relevant material it was decided that the airworthiness directive would be issued as proposed except for minor changes in the compliance dates.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

WRIGHT ENGINES. Applies to all Wright TC18DA and TC18EA Series engines.

Compliance required at first engine overhaul after February 1, 1960, but not later than October 1, 1960.

To prevent inadvertent loss of oil from the power recovery turbine fluid couplings, the PRT oil control valve must incorporate a WAD P/N 147825 valve body, or subsequently released part. This valve body incorporates three flats to provide a permanent oil bypass to insure an adequate supply of turbine coupling oil in the event of a regulator spring failure.

(WAD Service Bulletins Nos. TC18–390 and TC18E–210 cover this same subject and furnish instructions for the rework of the superseded valve bodies to the P/N 147825 configuration.)

This AD supersedes and cancels item No. (8) of AD 58–13–5.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 20, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-715; Filed, Jan. 25, 1960; 8:45 a.m.]

[Reg. Docket No. 127; Amdt. 91]

PART 507—AIRWORTHINESS DIRECTIVES

Hamilton Standard Propeller Blades 6895-8

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive supplementing face alinement check requirements of AD 58-22-1 (23 F.R. 9690) for Hamilton Standard 6895-8 propeller blades was published in 24 F.R. 7648.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received from industry expressed objection to the frequency of inspections and the period for compliance. Subsequent to publication of the proposed directive, Hamilton Standard developed a blade alinement gage with which the inspection can be facilitated in approximately twenty minutes without removal of the propeller from the airplane. In light of this development and determination of a later blade failure at approximately 1000 flight hours, the proposed directive has been revised to require face alinement checks at 1000 flight hours instead of at engine overhaul time. The compliance date has been extended to March 15, 1960, to afford the industry time to obtain the necessary tool and to set up their schedules for this inspection.

Although frequency of inspections is increased, it does not impose any undue burden on the operator since the inspections may be accomplished by use of the new face alinement gage. Accordingly republication in the FEDERAL REGISTER for further comment is considered unnecessary.

In consideration of the foregoing § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HAMILTON STANDARD. Applies to 6895-8 propeller blades installed on Douglas DC-6, DC-6A, and DC-6B aircraft.

Compliance required as indicated.

In order to minimize the possibility of additional 6895-8 blade failures occurring between overhaul on DC-6, DC-6A, or DC-6B aircraft due to undetected blade damage, the face alinement check required by AD 58-22-1 must be supplemented as specified:

(a) Blades which have not been checked for face alinement must be checked at overhaul as required by AD 58-22-1 or by March 15, 1960, whichever comes first, and thereafter at intervals not to exceed 1000 flight hours.

(b) Blades which have been checked for face alinement at overhaul as required by AD 58-22-1 and by which March 15, 1960, will have been in operation in excess of 1000 flight hours since the last face alinement check was made must have a new face alinement check made not later than March 15, 1960, and thereafter at intervals not to exceed 1000 flight hours.

(c) Blades which have been checked for face alinement at overhaul as required by AD 58-22-1 and which by March 15, 1960, will have been in operation less than 1000 flight hours since the last face alinement check was made must have new face alinement checks made at intervals not to exceed 1000 flight hours.

Blades which are checked and found not to meet the limits specified in Hamilton Standard Service Bulletins Nos. 546, 546A, and 602 shall be removed from service and treated according to Service Bulletin 596. Face alinement checks between overhauls may be made with blade alinement gages as specified in Service Bulletin 602.

(Hamilton Standard Service Bulletins Nos. 546, 546A, 596, and 602 cover this same subject.)

This supplements AD 58-22-1 (23 F.R. 9690) for Model 6895-8 blades installed on Douglas DC-6, DC-6A, and DC-6B aircraft only.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 20, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-716; Filed, Jan. 25, 1960; 8:45 a.m.]

[Reg. Docket No. 176; Amdt. 92]

PART 507—AIRWORTHINESS DIRECTIVES

Piper PA-23 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of fuel valves and controls on certain Piper PA-23 aircraft was published in 24 F.R. 9271. Comments were received. However, after consideration of all relevant material it was decided that the airworthiness directive would be issued as proposed except for a change in the compliance date to provide a reasonable time to schedule and accomplish the required inspections.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to PA-23 and PA-23 "160" aircraft, Serial Numbers 23-1 and up.

Compliance required as indicated.

As a result of several instances of fuel system cable malfunctioning and fuel valve leakage, the following inspections shall be accomplished:

(a) Ascertain that fuel is contained in all fuel cells. With the master switch on, energize the electric fuel pumps. While the fuel selector and crossfeed valve levers are cycled through their positions several times, observe through appropriate access openings the main valve (P/N 18598), auxiliary valve (P/N 17920) if installed, and the crossfeed valve (P/N 492044) in the cabin control pedestal. If leakage is observed, effect repairs. (Refer also to Piper Service Manual paragraph 9-17, 9-18).

(b) Check rigging and clamping of control cable and rigging of valve control linkage to eliminate bowing and to insure proper valve operation.

Compliance with item (a) above required by March 15, 1960, and every 50 hours of time in service thereafter on aircraft serial numbers 23-1 through 23-1695 until improved valves (P/N 492050 main and crossfeed, and 492051 auxiliary) are installed. After the improved valves are installed, the inspection period may be increased to every 100 hours of time in service. Aircraft serial numbers 23-1696 and up incorporated the new valves; therefore, these aircraft having less than 100 hours of time in service on March 15, 1960, may be operated until they have 100 hours, at which time the initial inspection shall be conducted, and then shall be inspected every 100 hours thereafter.

Compliance with item (b) above required by March 15, 1960, and every 50 hours of time in service thereafter on aircraft serial numbers 23-1 through 23-289 until a more rigid control cable (P/N 18815 for main fuel system and P/N 18816 for auxiliary fuel system and idler bell crank P/N 18782) is installed. After the new cable is installed, the inspection period may be increased to every 100 hours of time in service. Aircraft serial numbers 23-290 and up incorporated the new cables; therefore, these aircraft having less than 100 hours of time in service on March 15, 1960, may be operated until they have 100 hours, at which time the initial inspection shall be conducted, and then shall be inspected every 100 hours thereafter.

(Piper Service Letters Nos. 322, 322A, and 286 cover the same subject.)

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 20, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-717; Filed, Jan. 25, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-66; Amdt. 157]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6051 of the regulations of the Administrator, is to modify the segment of VOR Federal airway No. 51 between Biscayne, Fla., and Vero Beach, Fla., by designating an east alternate between Biscayne and Vero Beach, and realigning the main airway from Pahokee, Fla., to Vero Beach.

A segment of Victor 51 presently extends from the Biscayne VOR, to the Vero Beach VOR via the Miami, Fla., VOR, and the Pahokee VOR. The Federal Aviation Agency is modifying this segment of Victor 51 by designating an east alternate from the Biscayne VOR to the Vero Beach VOR via the Biscayne VOR 346° and the Vero Beach VOR 178° radials. Designation of this east alternate will provide an additional route for air traffic arriving and departing the Miami terminal area. Concurrently with this action, Victor 51 between the Pahokee VOR and the Vero Beach VOR will be realigned via the Pahokee VOR 009° and the Vero Beach VOR 193° radials to provide 15° angular divergence with Victor 51 east at the Vero Beach VOR. The control areas associated with Victor 51 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6051 (14 CFR, 1958 Supp., 600.6051, 24 F.R. 1282, 2228, 3226) is amended as follows:

In the text of § 600.6051 *VOR Federal airway No. 51 (Key West, Fla., to Chicago, Ill.)*, delete "Vero Beach, Fla., VOR;" and substitute therefor, "INT of the Pahokee VOR 009° and the Vero Beach, Fla., VOR 193° radials; Vero Beach VOR, including an east alternate from the Biscayne VOR to the Vero Beach VOR via the INT of the Biscayne VOR 346° and the Vero Beach VOR 178° radials;".

This amendment shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-729; Filed, Jan. 25, 1960; 8:47 a.m.]

[Airspace Docket No. 59-WA-325; Amdt. 130]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of this amendment to § 600.6113 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 113, which extends from Los Banos, Calif., to Reno, Nev. This amendment also reflects the change in the name of the Panoche, Calif., VOR, to the Los Banos, Calif., VOR.

The segment of Victor 113 from the Los Banos VOR to the Reno VOR is presently designated via the Modesto, Calif., VOR. The Modesto VOR is being replaced by the Stockton, Calif., VOR, and as soon as the airways based on the Modesto VOR are redesignated, it will be permanently discontinued. Therefore, the Federal Aviation Agency is modifying the segment of Victor 113 from Los Banos to Reno via the Stockton VOR, the Linden, Calif., VOR, and the intersection of the Linden VOR 046° and the Reno VOR 208° radials. The control areas associated with Victor 113 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6113 (14 CFR, 1958 Supp., 600.6113) is amended as follows:

In the text of § 600.6113 *VOR Federal airway No. 113 (Paso Robles, Calif., to Reno, Nev.)*, delete "the Panoche, Calif., omnirange station; intersection of the Panoche omnirange 343° and the Modesto omnirange 205° radials; Modesto, Calif., omnirange station;" and substitute therefor "the Los Banos, Calif., VOR; Stockton, Calif., VOR; Linden, Calif., VOR; INT of the Linden VOR 046° and the Reno VOR 208° radials;".

This amendment shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-730; Filed, Jan. 25, 1960; 8:47 a.m.]

[Airspace Docket No. 59-WA-363; Amdt. 175]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

The purpose of these amendments to §§ 600.6007 and 600.6140 of the regulations of the Administrator is to modify VOR Federal airways No. 7 and 140 S between Graham, Tenn., and Nashville, Tenn.

The segments of Victor 7 and 140 S between Graham and Nashville are presently designated via the intersection of the Graham VOR 069° and the Nashville VOR 254° radials, due to the fact that the direct airway radial of the Nashville VOR was unusable beyond 15 miles from the station. The Nashville VOR is now operating satisfactorily. Therefore, Victor 7 and 140 S between Graham and Nashville are designated direct station-to-station. The control areas associated with Victor 7 and 140 S are so designated that they will automatically conform to the modified airway. Therefore, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6007 and 600.6140 (14 CFR, 1958 Supp., 600.6007, 23 F.R. 10337, 24 F.R. 1281, 2227; 600.6140, 23 F.R. 10338, 24 F.R. 703) are amended as follows:

1. In the text of § 600.6007 *VOR Federal airway No. 7 (Miami, Fla., to Green Bay, Wis.)*, delete "intersection of the Graham omnirange 069° True and the Nashville omnirange 254° True radials;".

2. In the text of § 600.6140 *VOR Federal airway No. 140 (Amarillo, Tex., to New York, N.Y.)*, delete "the Graham, Tenn, VOR, and the INT of the Graham VOR 069° and the Nashville VOR 254° radials;" and substitute therefor "the Graham, Tenn., VOR;".

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-731; Filed, Jan. 25, 1960; 8:48 a.m.]

[Airspace Docket No. 59-NY-1]

[Amdt. 184]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 205]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Associated Control Areas

On September 25, 1959, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (24 F.R. 7734) stating that the Federal Aviation Agency was proposing to extend VOR Federal airway No. 151 from Lebanon, N.H., to Burlington, Vt., via a VOR to be installed near Montpelier, Vt.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendments are hereby adopted without change and set forth below:

§ 600.6151 VOR Federal airway No. 151 (Providence, R.I., to Burlington, Vt.).

From the Providence, R.I., VOR via the Gardner, Mass., VOR; Keene, N.H., VOR; Lebanon, N.H., VOR; Montpelier, Vt., VOR; to the Burlington, Vt., VOR.

§ 601.6151 VOR Federal airway No. 151 control areas (Providence, R.I., to Burlington, Vt.).

All of VOR Federal airway No. 151.

These amendments shall become effective 0001 e.s.t. July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-718; Filed, Jan. 25, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-105]

[Amdt. 186]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 210]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Designation of Federal Airway and Associated Control Areas

On September 1, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 7083) stating that the Federal Aviation Agency was proposing to designate a new airway, VOR Federal airway No. 447, from a VOR to be installed near Montpelier, Vt., to the Newport, Vt., nondirectional radio beacon.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, the proposed amendments are hereby adopted without change and set forth below:

§ 600.6447 VOR Federal airway No. 447 (Montpelier, Vt., to Newport, Vt.).

From the Montpelier, Vt., VOR to the Newport, Vt., RBN.

§ 601.6447 VOR Federal airway No. 447 control areas (Montpelier, Vt., to Newport, Vt.).

All of VOR Federal airway No. 447.

These amendments shall become effective 0001 e.s.t., July 28, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-719; Filed, Jan. 25, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-122]

[Amdt. 132]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 161]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas and Designation of Reporting Points

The purpose of these amendments to §§ 600.6108, 601.6108 and 601.7001 of the regulations of the Administrator is to modify VOR Federal airway No. 108 and its associated control areas, and to designate the Linden, Calif., VOR, the Mina, Nev., VOR and the Currant, Nev., VOR as reporting points.

Victor 108 presently extends from Colorado Springs, Colo., to Salina, Kans. The Federal Aviation Agency is modifying this airway by designating a new segment from San Francisco, Calif., to Grand Junction, Colo., via the intersection of the San Francisco VOR 304° and the Sausalito VOR 232° radials; the Sausalito, Calif., VOR; the intersection of the Sausalito VOR 052° and the Linden VOR 270° radials; the Linden VOR; a new VOR at Mina; a VOR to be commissioned approximately January 15, 1960, near Currant at latitude 38°41'00" N., longitude 115°36'08" W., and the Delta, Utah, VOR; including a south alternate from Mina to Currant via the Tonopah, Nev., VOR, and excluding the portion of this airway which coincides with the Wendover, Utah, Restricted Area (R-259). Thus, Victor 108 will lie north of and parallel to VOR Federal airway No. 244, and in conjunction with Victor 244 will provide a dual east/west airway structure serving the high volume of traffic operating to and from San Francisco. Such action will result in Victor 108, and its associated control areas, extending from San Francisco to Grand Junction and from Colorado Springs to Salina. Additionally, Section 601.7001 is being amended to designate the Linden VOR, the Mina VOR and the Currant VOR as domestic VOR reporting points.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6108 (24 F.R. 1283), § 601.6108 (24 F.R. 1286) and § 601.7001 (14 CFR, 1958 Supp., 601.7001) are amended as follows:

1. Section 600.6108 is amended to read:

§ 600.6108 VOR Federal airway No. 108 (San Francisco, Calif., to Grand Junction, Colo., and Colorado Springs, Colo., to Salina, Kans.).

From the San Francisco, Calif., VOR via the INT of the San Francisco VOR 304° and the Sausalito VOR 232° radials; Sausalito, Calif., VOR; the INT of the Sausalito VOR 052° and the Linden VOR 270° radials; Linden, Calif., VOR; Mina, Nev., VOR; Currant, Nev., VOR, including a south alternate from the Mina VOR to the Currant VOR via the Tonopah, Nev., VOR; Delta, Utah, VOR; to the Grand Junction, Colo., VOR. From the Colorado Springs, Colo., VOR via the Hugo, Colo., VOR, including a south alternate via the INT of the Colorado Springs VOR 153° and the Hugo VOR 250° radials; Goodland, Kans., VOR; Hill City, Kans., VOR; INT of the Hill City VOR 093° and the Salina VOR 286° radials; to the Saline, Kans., VOR, ex-radials; to the Salina, Kans., VOR, ex-Wendover, Utah, Restricted Area (R-259).

2. Section 601.6108 is amended to read:

§ 601.6108 VOR Federal airway No. 108 control areas (San Francisco, Calif., to Grand Junction, Colo., and Colorado Springs, Colo., to Salina, Kans.).

All of VOR Federal airway No. 108 including south alternates.

§ 601.7001 [Amendment]

3. In the text of § 601.7001 *Domestic VOR reporting points*, add:

Currant, Nev., VOR.
Linden, Calif., VOR.
Mina, Nev., VOR.

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-720; Filed, Jan. 25, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-218]

[Amdt. 169]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 197]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Extension of Federal Airway and Associated Control Areas

On October 21, 1959, a Notice of Proposed Rule-Making was published in the FEDERAL REGISTER (24 F.R. 8504) stating that the Federal Aviation Agency was proposing to extend VOR Federal airway No. 162 and its associated control areas from Harrisburg, Pa., to Clarksburg, W. Va., via a VOR to be commissioned approximately January 15, 1960, near St. Thomas, Pa., and the Grantsville, Md., VOR.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the Notice, the proposed amendments are hereby adopted without change and set forth below:

1. Section 600.6162 is amended to read:

§ 600.6162 VOR Federal airway No. 162 (Clarksburg, W. Va., to Allentown, Pa.).

From the Clarksburg, W. Va., VOR via the Grantsville, Md., VOR; St. Thomas, Pa., VOR; Harrisburg, Pa., VOR; INT of the Harrisburg VOR 073° and the Tower City, Pa., VOR 128° radials; to the Allentown, Pa., VOR, including a S alternate from the Harrisburg VOR via the INT of the Lancaster, Pa., VOR 047° and the Pottstown, Pa., VOR 275° radials.

2. Section 601.6162 is amended to read:

§ 601.6162 VOR Federal airway No. 162 control areas (Clarksburg, W. Va., to Allentown, Pa.).

All of VOR Federal airway No. 162, including a S alternate.

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-721; Filed, Jan. 25, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-219]

[Amdt. 164]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 196]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Revocation of Reporting Point

The purpose of these amendments to §§ 600.6012 and 601.7001 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 12 between Pittsburgh, Pa., and Harrisburg, Pa., and to revoke the New Alexandria, Pa., intersection as a reporting point.

This segment of Victor 12 is presently designated between the Pittsburgh VOR and the Harrisburg VOR via the Johnstown, Pa., VOR, including north and south alternates between Pittsburgh and Johnstown and a south alternate between Johnstown and Harrisburg. The Federal Aviation Agency is revoking the north alternate to Victor 12 between Pittsburgh and Johnstown, which is designated via the intersection of the Pittsburgh VOR 067° and the Johnstown VOR 292° radials (New Alexandria intersection) as the revised procedures for the movement of air traffic in the Pittsburgh terminal area preclude the effective use of this north alternate and the New Alexandria intersection. Additionally, the south alternate to Victor 12 between the Johnstown VOR and the Harrisburg VOR is being redesignated via a VOR to be commissioned approximately January 15, 1960, near St. Thomas, Pa., at latitude 39°56'00" N., longitude 77°57'06" W. This south alternate is presently designated via the intersection of the Johnstown VOR 107° and the Harrisburg VOR 258° radials and would not have sufficient angular separation from the segment of VOR Federal airway No. 162 which is being designated between the St. Thomas VOR and the Harrisburg VOR in Airspace Docket No. 59-WA-218, and which will be effective concurrently with this action. This action will result in the revocation of Victor 12 N between the Pittsburgh VOR and the Johnstown VOR; the revocation of the New Alexandria intersection, and the redesignation of Victor 12 S between the Johnstown VOR and the Harrisburg VOR via the St. Thomas VOR. The control areas associated with Victor 12 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6012 (14 CFR, 1958 Supp., 600.6012, 23 F.R. 10337, 24 F.R. 702, 1281, 2227, 2645) and § 601.7001 (24 F.R. 2233) are amended as follows:

1. In the text of § 600.6012 *VOR Federal airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)*, delete "Johnstown, Pa., VOR, including a north alternate via the INT of the Pittsburgh VOR 067° and the Johnstown VOR 292° radials and also a south alternate via the INT of the Pittsburgh VOR 117° and the Johnstown VOR 250° radials; Harrisburg, Pa., VOR, including a south alternate;" and substitute therefor "Johnstown, Pa., VOR, including a south alternate via the INT of the Pittsburgh VOR 117° and the Johnstown VOR 250° radials; Harrisburg, Pa., VOR, including a south alternate from the Johnstown VOR to the Harrisburg VOR via the St. Thomas, Pa., VOR;".

2. In the text of § 601.7001 *Domestic VOR reporting points*, delete "New Alexandria Intersection: The INT of the Pittsburgh, Pa., VOR 067° T and the Johnstown, Pa., VOR 292° T radials."

These amendments shall become effective 0001 e.s.t., March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-722; Filed, Jan. 25, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-324]

[Amdt. 131]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 159]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway and Revocation of Designated Reporting Points

The purpose of these amendments to §§ 600.6023 and 601.7001 of the regulations of the Administrator is to modify the segment of VOR Federal airway No. 23 which extends from Fresno, Calif., to Sacramento, Calif., and the west alter-

nate to Victor 23 which extends from Modesto, Calif., to Sacramento; and to revoke the Hornitos, Calif., intersection as a designated reporting point.

The segment of Victor 23 from the Fresno VOR to the Sacramento VOR is presently designated via the Modesto VOR. The Modesto VOR is being replaced by the Stockton, Calif., VOR and will soon be permanently discontinued. Additionally, the Fresno VOR is being relocated on or about January 15, 1960, to a site at latitude 36°51'19" N., longitude 119°46'40" W., approximately six miles northwest of its present site. The Federal Aviation Agency is modifying the segment of Victor 23 from the relocated Fresno VOR to the Sacramento VOR over an intermediate VOR at Linden, Calif., which will improve the route structure in this area by straightening the airway. Also, Victor 23 W from Modesto to Sacramento is being modified by extending it from the relocated Fresno VOR to the Sacramento VOR over the Los Banos, Calif., and Stockton VOR's. The control areas associated with Victor 23 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. Moreover, the Hornitos intersection is no longer required for air traffic management and is being revoked.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6023 (14 CFR, 1958 Supp., 600.6023, 23 F.R. 10338, 24 F.R. 2228, 3973) and § 601.7001 (24 F.R. 2233) are amended as follows:

1. In the text of § 600.6023 *VOR Federal airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* delete "intersection of the Fresno omnirange 323° and the Modesto omnirange 117° radials; Modesto, Calif., omnirange station; intersection of the Modesto omnirange 341° True and the Sacramento omnirange 138° True radials; Sacramento, Calif., omnirange station, including a west alternate from the Modesto omnirange station to the Sacramento omnirange station via the intersection of the Modesto omnirange 312° True and the Sacramento omnirange 154° True radials;" and substitute therefor "INT of the Fresno VOR 322° and the Linden VOR 140° radials; Linden, Calif., VOR; Sacramento, Calif., VOR, including a west alternate from the Fresno VOR to the Sacramento VOR via the INT of the Fresno VOR 258° and the Los Banos VOR 086° radials, the Los Banos, Calif., VOR, and the Stockton, Calif., VOR;".

2. In the text of § 601.7001 *Domestic VOR reporting points* delete "Hornitos INT: The INT of the Fresno, Calif., VOR 323° T and the Merced, Calif. (Castle AFB), VOR 011° T radials."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-725; Filed, Jan. 25, 1960; 8:47 a.m.]

[Airspace Docket No. 59-WA-326]

[Amdt. 139]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 173]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of a Federal Airway and Associated Control Areas

The purpose of these amendments to §§ 600.6109 and 601.6109 of the regulations of the Administrator is to modify VOR Federal airway No. 109 which extends from the Los Banos, Calif., VOR (formerly Panoche, Calif., VOR) to the Oakland, Calif., VORTAC.

Victor 109 is presently designated from the Panoche VOR to the Oakland VORTAC via the intersection of the Panoche VOR 343° and the Oakland VORTAC 077° radials. The Federal Aviation Agency is modifying this airway over the Stockton, Calif., VOR, which will provide more precise navigational guidance. Such action will result in Victor 109 being designated from the Los Banos VOR via the Stockton VOR, the intersection of the Stockton VOR 268° and the Oakland VORTAC 077° radials, to the Oakland VORTAC. Moreover, the caption to § 601.6109 is being amended to reflect the change in the name of the Panoche VOR to the Los Banos VOR.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6109 (14 CFR, 1958 SUPP., 600.6109, 24 F.R. 2228) and § 601.6109 (14 CFR, 1958 SUPP., 601.6109) are amended as follows:

1. Section 600.6109 is amended to read:

§ 600.6109 VOR Federal airway No. 109 (Los Banos, Calif., to Oakland, Calif.).

From the Los Banos, Calif., VOR via the Stockton, Calif., VOR; to the INT of the Stockton VOR 268° and the Oakland VORTAC 077° radials; to the Oakland, Calif., VORTAC.

§ 601.6109 [Amendment]

2. In the caption of § 601.6109 *VOR Federal airway No. 109 (Panoche, Calif., to Oakland, Calif.)*, delete "(Panoche, Calif., to Oakland, Calif.)." and substitute therefor "(Los Banos, Calif., to Oakland, Calif.)."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-726; Filed, Jan. 25, 1960; 8:47 a.m.]

[Airspace Docket No. 59-WA-328]

[Amdt. 138]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 171]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways, Associated Control Areas and Positive Control Route Segments

The purpose of these amendments to §§ 600.6028, 600.6606, 601.6606 and 601.8001 of the regulations of the Administrator is to modify VOR Federal airways No. 28 and 1506 and their associated control areas.

Victor 28 is presently designated from the Oakland, Calif., VORTAC via the Modesto, Calif., VOR, to the Reno, Nev., VOR and a segment of Victor 1506 is presently designated from the Oakland VORTAC to the Modesto VOR. The Modesto VOR is being replaced by the Stockton, Calif., VOR and as soon as the airways based on the Modesto VOR are redesignated, it will be permanently discontinued. Therefore, the Federal Aviation Agency is modifying Victor 28 by redesignating it from the Oakland VORTAC via the intersection of the Oakland VORTAC 077° and the Linden VOR 246° radials; the Linden, Calif., VOR; the intersection of the Linden VOR 046° and the Reno VOR 208° radials; to the Reno VOR. The segment of Victor 1506 from the Oakland VORTAC to the Modesto VOR is being eliminated, and a new segment is being designated between the Oakland VORTAC and the Linden VOR

to overlie the new segment of Victor 28 between these points. Additionally, the captions in §§ 600.6606, 601.6606, and 601.8001 are being changed to more accurately describe the terminals for Victor 1506. The control areas associated with Victor 28 and Victor 1506 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. Such action will result in Victor 28 being designated from the Oakland VORTAC via the intersection of the Oakland VORTAC 077° and the Linden VOR 246° radials, the Linden VOR, the intersection of the Linden VOR 046° and the Reno VOR 208° radials, to the Reno VOR with Victor 1506 overlying Victor 28 between the Oakland VORTAC and the Linden VOR.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6028 and 600.6606 (14 CFR, 1958 Supp., 600.6028; 600.6606, 24 F.R. 2230) and §§ 601.6606 and 601.8001 (14 CFR, 1958 Supp., 601.6606, 601.8001) are amended as follows:

1. Section 600.6028 is amended to read:

§ 600.6028 VOR Federal airway No. 28 (Oakland, Calif., to Reno, Nev.).

From the Oakland, Calif., VORTAC via the INT of the Oakland VORTAC 077° and the Linden VOR 246° radials; Linden, Calif., VOR; INT of the Linden VOR 046° and the Reno VOR 208° radials; to the Reno, Nev., VOR.

§ 600.6606 [Amendment]

2. In § 600.6606 *VOR Federal airway No. 1506 (San Francisco, Calif., to Washington, D.C.)*:

(a) In the caption delete "*(San Francisco, Calif., to Washington, D.C.)*" and substitute therefor "*(Half Moon Bay, Calif., to Linden, Calif., and Bonneville, Utah, to Washington, D.C.)*."

(b) In the text delete "to the Modesto, Calif., omnirange station." and substitute therefor "the INT of the Oakland VORTAC 077° and the Linden VOR 246° radials; to the Linden, Calif., VOR."

§ 601.6606 [Amendment]

3. In the caption of § 601.6606 *VOR Federal airway No. 1506 control areas (San Francisco, Calif., to Washington, D.C.)*, delete "*(San Francisco, Calif., to Washington, D.C.)*." and substitute therefor "*(Half Moon Bay, Calif., to Linden, Calif., and Bonneville, Utah, to Washington, D.C.)*."

§ 601.8001 [Amendment]

4. In § 601.8001 *Positive control route segments, VOR Federal airway No. 1506 (San Francisco, Calif., to Washington, D.C.) (see Section 600.6606 of this chapter)*, delete "*(San Francisco, Calif., to Washington, D.C.)*" and substitute therefor "*(Half Moon Bay, Calif., to Linden, Calif., and Bonneville, Utah, to Washington, D.C.)*."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a) and 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-727; Filed, Jan. 25, 1960; 8:47 a.m.]

[Airspace Docket No. 59-WA-381]

[Amdt. 106]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 127]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways and Associated Control Areas—Designation and Revocation of Reporting Points

The purpose of these amendments to §§ 600.6058, 600.6106, 600.6147, 600.6149, 600.6164, 600.6188, 600.6226, 601.6164, 601.6188, 601.6226 and 601.7001 of the regulations of the Administrator is to modify VOR Federal airways No. 58, 106, 147, 149, 164, 188, and 226, concurrently with the commissioning of a VOR near Thornhurst, Pa., at latitude 41°16'21" N., longitude 75°41'20" W. In addition, the Thornhurst VOR will be designated as a reporting point and the Crystal Lake intersection will be revoked.

Concurrent with the commissioning of the Thornhurst VOR, the segment of Victor 58 between the Williamsport, Pa., VOR and the Wilkes-Barre, Pa., VOR will be redesignated via the intersection of the Williamsport, Pa., VOR 079° and the Thornhurst, Pa., VOR 293° radials. The segment of Victor 106 between the Selinsgrove, Pa., VOR and the Wilkes-Barre VOR will be redesignated via the Thornhurst VOR. The segment of Victor 147 between the Allentown, Pa., VOR and Colley, Pa., intersection will be redesignated via the Thornhurst VOR. The segment of Victor 149 between the Allentown VOR and the Binghamton, N.Y., VOR will be redesignated via the Thornhurst VOR. The segment of Victor 164 between the Williamsport VOR and the Stroudsburg, Pa., VOR will be redesignated via the intersection of the Williamsport VOR 125° and the Stroudsburg VOR 275° radials. The redesignation of Victor 164 will occupy essentially the same airspace as Victor 164 S and result in airway numbering simplification as the south alternate to Victor 164 between the Williamsport VOR and the Stroudsburg VOR will be revoked. The segment of Victor 188 between the Williamsport VOR and the Stroudsburg VOR will be redesignated via the Thornhurst VOR. The segment of Victor 226 between the Williamsport VOR and the Stillwater, N.J., VOR will be redesignated via the Thornhurst VOR. The airway modifications associated with the Thornhurst VOR which replaces the Crystal Lake, Pa., intersection will provide more precise navigational guidance. The control areas associated with Victor 58, 106, 147 and 149 are so designated that they automatically conform to the modified airways. Accordingly, no amendment relating to such control areas is necessary. However, the captions to control areas associated with Victor 164, 188 and 226 will be modified to reflect the actual locations at which the airways terminate. The control areas associated with V-164 also will be modified by deleting all reference to a south alternate. Coincident with this action, § 601.7001, relating to reporting points, will be amended by adding the Thornhurst, Pa., VOR and revoking the Crystal Lake, Pa., intersection.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 600.6058, 24 F.R. 2228; 600.6106, 24 F.R. 1283; 600.6149, 24 F.R. 3871; §§ 600.6147, 600.6164, 600.6188, 600.6226 (14 CFR, 1958 Supp., 600.6147, 600.6164, 600.6188, 600.6226) and §§ 601.6164, 601.6188, 601.6226, 601.7001 (14 CFR, 1958 Supp., 601.6164, 601.6188, 601.6226, 601.7001) are amended as follows:

§ 600.6058 [Amendment]

1. In the text of § 600.6058 *VOR Federal airway No. 58 (Imperial, Pa., to Hartford, Conn.)*, delete "INT of the Williamsport VOR 088° and the Wilkes-Barre-Scranton VOR 238° radials;" and substitute therefor "INT of the Williamsport VOR 079° and the Thornhurst, Pa., VOR 293° radials;".

§ 600.6106 [Amendment]

2. In the text of § 600.6106 *VOR Federal airway No. 106 (Charleston, W. Va., to Kennebunk, Maine)*, delete "Selinsgrove, Pa., VOR; Wilkes-Barre-Scranton, Pa., VOR;" and substitute therefore "Selinsgrove, Pa., VOR; Thornhurst, Pa., VOR; Wilkes-Barre-Scranton, Pa., VOR;".

§ 600.6147 [Amendment]

3. In the text of § 600.6147 *VOR Federal airway No. 147 (Philadelphia, Pa., to Rochester, N.Y.)*, delete "intersection

of the Allentown omnirange 329° True and the Elmira omnirange 134° True radials;" and substitute therefor "Thornhurst, Pa., VOR;".

§ 600.6149 [Amendment]

4. In the text of § 600.6149 *VOR Federal airway No. 149 (Allentown, Pa., to Utica, N.Y.)*, delete "From the Allentown, Pa., VOR via the INT of the Allentown VOR 329° and the Binghamton VOR 167° radials;" and substitute therefor "From the Allentown, Pa., VOR via the Thornhurst, Pa., VOR;".

5. Section 600.6164 is amended to read:

§ 600.6164 VOR Federal airway No. 164 (Buffalo, N.Y., to Stroudsburg, Pa.).

From the Buffalo, N.Y., VOR via the Wellsville, N.Y., VOR; Stonyfork, Pa., VOR; Williamsport, Pa., VOR; INT of the Williamsport VOR 125° and the Stroudsburg, Pa., VOR 275° radials; to the Stroudsburg, Pa., VOR.

6. Section 600.6188 is amended to read:

§ 600.6188 VOR Federal airway No. 188 (Carleton, Mich., to Stroudsburg, Pa.).

From the Carleton, Mich., VOR via the Jefferson, Ohio, VOR; Tidioute, Pa., VOR; Slate Run, Pa., VOR; Williamsport, Pa., VOR; Thornhurst, Pa., VOR; to the Stroudsburg, Pa., VOR.

7. Section 600.6226 is amended to read:

§ 600.6226 VOR Federal airway No. 226 (Williamsport, Pa., to Paterson, N.J.).

From the Williamsport, Pa., VOR via the Thornhurst, Pa., VOR; Stillwater, N.J., VOR; to the INT of the Stillwater VOR 95° and the Wilton, Conn., VOR 240° radials (Paterson, N.J., intersection).

8. Section 601.6164 is amended to read:

§ 601.6164 VOR Federal airway No. 164 control areas (Buffalo, N.Y., to Stroudsburg, Pa.).

All of VOR Federal airway No. 164.

§ 601.6188 [Amendment]

9. In the caption of § 601.6188 *VOR Federal airway No. 188 control areas (Detroit, Mich., to New York, N.Y.)* delete "*(Detroit, Mich., to New York, N.Y.)*" and substitute therefor "*(Carleton, Mich., to Stroudsburg, Pa.)*".

§ 601.6226 [Amendment]

10. In the captain of § 601.6226 *VOR Federal airway No. 226 control areas (Williamsport, Pa., to New York, N.Y.)*, delete "*(Williamsport, Pa., to New York, N.Y.)*" and substitute therefor "*(Williamsport, Pa., to Paterson, N.J.)*".

§ 601.7001 [Amendment]

11. In § 601.7001 *VOR Domestic reporting points:*

(a) In the text delete: "Crystal Lake intersection: The intersection of the Allentown, Pa., omnirange 329° True and the Wilkes-Barre-Scranton, Pa., omnirange 224° True radials."

(b) In the text add: "Thornhurst, Pa., VOR."

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-728; Filed, Jan. 25, 1960; 8:47 a.m.]

[Airspace Docket No. 59-WA-322]

[Amdt. 190]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 212]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

[Amdt. 37]

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Modification of Federal Airways, Associated Control Areas and Coded Jet Routes

The purpose of these amendments to §§ 600.6244, 600.6614, 600.6616, 601.6244, 601.6614, 601.6616 and 602.558 of the regulations of the Administrator is to modify VOR Federal airways No. 244, 1514, and 1516, the associated control areas, and VOR/VORTAC jet route No. 58.

Segments of Victor airways 244, 1514, and 1516 presently extend from the Oakland, Calif., VORTAC via the Modesto, Calif., VOR, to the Coaldale, Nev., VOR, and a segment of Jet Route J-58-V extends from the Oakland VORTAC via the Modesto VOR to the Tonopah, Nev., VOR. The Modesto VOR is being replaced by the Stockton, Calif., VOR and as soon as the airways and the jet route based on the Modesto VOR are redesignated, it will be permanently discontinued. Therefore, the Federal Aviation Agency is modifying these segments of Victor airways 244, 1514, and 1516, and Jet Route J-58-V, by redesignating them via the Stockton VOR. These modifications are a part of the Federal Aviation Agency over-all plan to improve air traffic management in the San Francisco Bay/Sacramento area. Such action will result in Victor 244 and its associated control areas being designated between the Oakland VORTAC and the Coaldale VOR via the intersection of the Oakland VORTAC 077° and the Stockton VOR 268° radials, and the Stockton VOR. In addition, there will be a south alternate from the Oakland VORTAC to the Stockton VOR via the intersection of the Oakland VORTAC 110° and the Stockton VOR 246° radials. Victor 1514 and 1516 will coincide with the south alternate to Victor 244 between Oakland and Stockton, and will coincide with Victor 244 from Stockton to Coaldale. The segment of Jet Route J-58-V from the Oakland VORTAC to the Tonopah VOR will be redesignated via the Stockton VOR. Additionally, the captions to §§ 600.6614, 600.6616, 601.6614, 601.6616 and 602.558 are being changed to more accurately describe the airway terminals.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6244 (24 F.R. 1284, 2230, 9365); § 600.6614 (14 CFR, 1958 Supp., 600.6614, 23 F.R. 10340, 24 F.R. 703, 1285, 2230, 3871, 7824, 9365); § 600.6616 (24 F.R. 703, 1285, 2230, 3227, 10141); §§ 601.6244, 601.6614 and 601.6616 (14 CFR, 1958 Supp., 601.6244; 601.6614, 24 F.R. 7824; 601.6616); and § 602.558 (24 F.R. 2650, 7608) are amended as follows:

§ 600.6244 [Amendment]

1. In the text of § 600.6244 *VOR Federal airway No. 244 (Oakland, Calif., to Pueblo, Colo.)*, delete "From the Oakland, Calif., VOR via the INT of the Oakland VOR 077° and the Modesto VOR 312° radials; Modesto, Calif., VOR;" and substitute therefor "From the Oakland, Calif., VORTAC via the INT of the Oakland VORTAC 077° and the Stockton VOR 268° radials; Stockton, Calif., VOR, including a S alternate via the INT of the Oakland VORTAC 110° and the Stockton VOR 246° radials;".

§ 600.6614 [Amendment]

2. In § 600.6614 *VOR Federal airway No. 1514 (San Francisco, Calif., to New York, N.Y.)*:

(a) In the caption delete "*(San Francisco, Calif., to New York, N.Y.)*" and substitute therefor "*(Half Moon Bay, Calif., to New York, N.Y.)*."

(b) In the text delete "Modesto, Calif., omnirange station;" and substitute therefor "INT of the Oakland VORTAC 110° and the Stockton VOR 246° radials; Stockton, Calif., VOR;".

§ 600.6616 [Amendment]

3. In § 600.6616 *VOR Federal airway No. 1516 (San Francisco, Calif., to Washington, D.C.)*:

(a) In the caption delete "*(San Francisco, Calif., to Washington, D.C.)*" and substitute therefor "*(Half Moon Bay, Calif., to Washington, D.C.)*."

(b) In the text delete "Modesto, Calif., VOR;" and substitute therefor "INT of the Oakland VORTAC 110° and the

Stockton VOR 246° radials; Stockton, Calif., VOR;".

4. Section 601.6244 is amended to read:

§ 601.6244 VOR Federal airway No. 244 control areas (Oakland, Calif., to Pueblo, Colo.).

All of VOR Federal airway No. 244 including a S alternate.

§ 601.6614 [Amendment]

5. In the caption of § 601.6614 *VOR Federal airway No. 1514 control areas (San Francisco, Calif., to New York, N.Y.)*, delete "*(San Francisco, Calif., to New York, N.Y.)*" and substitute therefor "*(Half Moon Bay, Calif., to New York, N.Y.)*."

§ 601.6616 [Amendment]

6. In the caption of § 601.6616 *VOR Federal airway No. 1516 control areas (San Francisco, Calif., to Washington, D.C.)*, delete "*(San Francisco, Calif., to Washington, D.C.)*" and substitute therefor "*(Half Moon Bay, Calif., to Washington, D.C.)*."

7. In § 602.558 *VOR/VORTAC jet route No. 58 (San Francisco, Calif., to New Orleans, La.)*:

(a) In the caption delete "*(San Francisco, Calif., to New Orleans, La.)*" and substitute therefor "*(Oakland, Calif., to New Orleans, La.)*."

(b) In the text delete "via the Modesto, Calif., VOR;" and substitute therefor "via the Stockton, Calif., VOR;".

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-723; Filed, Jan. 25, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-323; Amdt. 160]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Control Area Extensions

The purpose of these amendments to §§ 601.1073 and 601.1242 of the regulations of the Administrator is to modify the Fresno, Calif., and the Stockton, Calif., control area extensions.

As a result of the modification of the various VOR Federal airways presently designated on the Modesto, Calif., VOR, which is to be permanently discontinued and replaced by the Stockton VOR, the Federal Aviation Agency is redescribing the Fresno and Stockton control area extensions. The airways referred to above are being modified in Airspace Dockets No. 59-WA-122, 324, 325 and 328, and will become effective concurrently with this action. The redescription of these control area extensions will encompass no additional airspace over that presently designated.

This action has been coordinated with the Army, the Navy, the Air Force, and interested civil aviation organizations. Accordingly, compliance with the Notice, and public procedures provisions of section 4 of the Administrative Procedure Act have, in effect, been complied with. However, since it is necesary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) §§ 601.1073 and 601.1242 (14 CFR, 1958 Supp., 601.1073, 601.1242) are amended as follows:

§ 601.1073 [Amendment]

1. In the text of § 601.1073 *Control area extension (Fresno, Calif.)*, delete "the airspace between Bakersfield-Fresno-Modesto, Calif., bounded on the southwest by VOR Federal airway No. 23, on the northwest by VOR Federal airway No. 28, and on the northeast and southeast by a line beginning at a point at latitude 38°20'00", N., longitude 120°22'00" W., extending to a point at latitude 38°20'00" N., longitude 120°00'00" W.," and substitute therefor "the airspace between Bakersfield-Fresno-Linden, Calif., bounded on the SW by VOR Federal airway No. 23, on the N. by VOR Federal airway No. 108, on the E. and NE. by a line beginning at the INT of the S. edge of VOR Federal airway No. 108 and longitude 120°00'00" W.,".

2. Section 601.1242 is amended to read:

§ 601.1242 Control area extension (Stockton, Calif.).

The airspace north of Stockton bounded on the NE by VOR Federal airway No. 23, on the S. by VOR Federal airway No. 244 and on the NW. by VOR Federal airway No. 6 S.

These amendments shall become effective 0001 e.s.t. March 10, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on January 20, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-724; Filed, Jan. 25, 1960; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 695—HOMEWORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

Miscellaneous Amendments

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) and pursuant to section 6(a)(2) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1062; 29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1950 Supp., p. 165) and General Order No. 45-A (15 F.R. 3290), I hereby amend 29 CFR, Part 695 as follows:

§ 695.12 [Revocation]

1. The piece rate schedules set out in § 695.12 are revoked and rescinded due to the fact that there is not presently an employer of homeworkers in the Virgin Islands engaged in operations covered by such schedules.

2. Section 695.8 is modified to read:

§ 695.8 Minimum piece rates prescribed by the Administrator.

Pursuant to the provisions of section 6(a)(2) of the Act, each homeworker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates that may be provided by the Administrator.

Since no one is affected by these amendments, I find that notice, public procedure thereon, and delayed effective date otherwise required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003) are unnecessary and impractical, and good cause therefor existing, these amendments shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 20th day of January 1960.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 60-756; Filed, Jan. 25, 1960; 8:53 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

Use of Storm Chokes or Similar Safety Devices in Flowing Oil or Gas Wells

On page 8080 of the FEDERAL REGISTER of October 6, 1959, there was published a notice and text of a proposed amendment of § 250.40(b) of Title 30, Code of Federal Regulations. The purpose of this amendment is to broaden the authority of the Regional Oil and Gas Supervisor with regard to installation of safety devices in wells capable of flowing oil or gas.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with regard to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JANUARY 20, 1960.

Section 250.40(b) is amended to read as follows:

§ 250.40 Control of wells.

* * * * *

(b) The lessee shall take all reasonable precautions to prevent any well from blowing open and shall take immediate steps and exercise due diligence to bring under control any such well. Storm chokes or similar safety devices shall be installed in any well capable of flowing oil or gas: *Provided,* That if in the opinion of the Supervisor, upon a clear showing by the lessee, a storm choke or similar safety device is not needed for the protection of the well or is likely to cause damage to or loss of the well, the Supervisor is authorized to waive this requirement.

[F.R. Doc. 60-736; Filed, Jan. 25, 1960; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 577—MEDICAL AND DENTAL ATTENDANCE

Dependents' Medical Care

Sections 577.60 through 577.70 are revoked and the following substitued therefor:

Sec.

AUTHORITY: §§ 577.60 to 577.68 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 1071–1085, 72 Stat. 1445–1450; 10 U.S.C. 1071–1085.

SOURCE: AR 40–121, December 16, 1959.

§ 577.60 Purpose and scope.

(a) Sections 577.60–577.68 prescribe the policies and procedures for administering the medical and dental care program established by the Dependents' Medical Care Act (10 U.S.C. 1071–1085) for dependents of:

(1) Active duty members of the uniformed services.

(2) Retired members of the uniformed services.

(3) Persons who died while active duty members of the uniformed services.

(4) Persons who died while retired members of the uniformed services.

(b) Sections 577.60–577.68 are applicable to the uniformed services and are to be used in conjunction with the regulations pertaining to fiscal policies in § 577.80–577.93.

(c) Sections 577.60–577.68 are not applicable in the case of medical care furnished dependents in medical facilities of the Canal Zone Government.

§ 577.61 Definitions.

When used in §§ 577.60–577.68 the following terms have the meanings indicated:

(a) "Uniformed services" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey and the Commissioned Corps of the Public Health Service.

(b) "Active duty member of a uniformed service" means a person appointed, enlisted, inducted, called, ordered, or conscripted in a uniform service who is serving on active duty or active duty for training pursuant to a call or order that does not specify a period of 30 days or less.

(c) "Retired member of a uniformed service": (1) Except as indicated in subparagraph (2) of this paragraph this term means a member or former member of a uniformed service who is entitled to retired, retirement, or retainer or equivalent pay as a result of service in a uniformed service.

(2) When used in §§ 577.60–577.68 this term does not include a member or former member entitled to retired or retirement pay under title 10, United States Code, sections 1331–1337 (formerly Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948) who has served less than 8 years on full-time duty in the active military service, excluding active duty for training.

(d) "Dependent" means a person who bears to an active duty or retired member of a uniformed service, or to a person who died while on active duty or retired member of a uniformed service, any of the following relationships:

(1) The wife.

(2) The unremarried widow.

(3) The husband, if he is in fact dependent on the active duty or retired member for over one-half of his support.

(4) The unremarried widower, if he was in fact dependent upon the active duty or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity.

(5) An unmarried legitimate child, including an adopted child or stepchild, who either:

(i) Has not passed his 21st birthday;

(ii) Is incapable of self-support because of a mental or physical incapacity that existed before that birthday and is, or was at the time of death of the active duty or retired member, in fact dependent on him for over one-half of his support; or

(iii) Has not passed his 23d birthday and is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, as the case may be and is, or was at the time of death of the active duty or retired member, in fact dependent on him for over one-half of his support. Institutions meeting the above criteria are listed in the "Education Directory, Part 3, Higher Education," issued annually by the U.S. Office of Education, Department of Health, Education, and Welfare. For determination as to approval of an institution not listed in the directory or of a foreign institution of higher learning, a statement may be obtained from U.S. Office of Education, Department of Health, Education, and Welfare, Washington 25, D.C.

NOTE 1: The fact that the former wife of a member of the uniformed services remarries does not necessarily terminate a child's eligibility for medical care. However, adoption of the child of an active duty, retired or deceased member by a third party (other than a person whose dependents are eligible for care under §§ 577.60–577.68) terminates the child's eligibility.

NOTE 2: When an eligible dependent child marries, entitlement to medical care as a dependent child ceases on the date of marriage. However, should the marriage be terminated, the child may again be entitled to medical care as a dependent child, provided the eligibility requirements of subparagraph (5) of this paragraph are met.

(6) A parent or parent-in-law who is, or was at the time of death of the active duty or retired member, in fact dependent on him for over one-half of his support and who is or was actually residing in a dwelling place provided or maintained by said active duty or retired member.

(e) "Secretary of a uniformed service" means the Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force. For the other uniformed services (Coast Guard, Public Health Service, Coast and Geodetic Survey), this term means the Secretary of Health, Education, and Welfare.

(f) "United States" means all of the States and the District of Columbia.

(g) "Contractor" means the legal entity with which the Government enters into a contract for the purpose of implementing the Dependents' Medical Care Act, such as a State medical society, an insurance company, Blue Shield, or Blue Cross.

(h) Miscellaneous medical and technical terminology: (1) "Diagnosis" means a determination of the existence and nature, or absence, of disease or injury by means of physical examination and the utilization of medically accepted diagnostic procedures; e.g., laboratory tests and pathological and radiological examinations.

(2) "Outpatient care" means the medical services which are normally performed in locations such as the home, a physician's office, or the outpatient department of a hospital, clinic, or dispensary.

(3) "Maternity and infant care" means the medical and surgical care for a mother incident to pregnancy, including prenatal care, delivery, postnatal care, care of an infant, and treatment of complications of pregnancy.

(4) "Domiciliary care" means the care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes nursing care required as a result of old age or chronic disease.

(5) "Chronic disease": This term includes nonacute conditions and disabilities in which the prognosis indicates long continued duration of the ailment. This term includes but is not limited to arthritis, degenerative diseases of the cardiovascular system, residuals of poliomyelitis and other degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegia, paraplegia, hemiplegia, and blindness or deafness requiring definitive rehabilitation.

(6) "Nervous and mental disorders": This term means those conditions classified as neuroses, psychoneuroses, or psychoses.

(7) "Dental care as a necessary adjunt to medical or surgical treatment" means that dental care which is determined by the cognizant physician and dentist to be required for the proper treatment of a medical or surgical condition. This term includes but is not limited to treatment of fractures of the jaw and the application of appliances necessary to reduce and immobilize such fractures.

§ 577.62 Administration.

(a) The Secretary of Defense has the jurisdiction over the Coast Guard when operating as a service with the Navy and over the Army, Navy, Air Force and Marine Corps.

(b) The Secretary of Health, Education, and Welfare has jurisdiction over the Public Health Service. For medical care purposes, he also has jurisdiction over the Coast Guard when not in service with the Navy and over the Coast and Geodetic Survey.

(c) Executive agent: (1) The Secretary of the Army, acting as executive agent for the Secretary of Defense and the Secretary of Health, Education, and Welfare, has the responsibility of contracting for medical care from civilian sources in the United States and Puerto Rico for persons authorized such care under §§ 577.60–577.68. This responsibility has been further delegated to The Surgeon General, Department of the Army.

(2) The Executive Director, Office for Dependents' Medical Care, Office of The Surgeon General, Department of the Army, Washington 24, D.C., administers the portion of the Dependents' Medical Care Program referred to in subparagraph (1) of this paragraph.

(d) Outside the United States (except Puerto Rico) major commanders (or commanders with comparable responsibility) are delegated authority to administer the Dependents' Medical Care Program.

§ 577.63 Identification forms and procedures.

(a) *Identification of dependents for medical care privilege.* (1) DD Form 1173 (Uniformed Services Identification and Privilege Card) is the form prescribed for identification of dependents seeking medical care in either uniformed services facilities or from civilian sources. Each service member will make application for a DD Form 1173 in behalf of his dependents by submission of DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) as prescribed by the directives listed in subparagraph (2) of this paragraph. It is incumbent upon each member of the uniformed services to insure that his eligible dependents obtain and keep in their possession a DD Form 1173.

(2) Determination of a dependent's eligibility for medical care is a responsibility of the service of which the sponsor is a member. Procedures for verification of dependency and eligibility, and issue of DD Forms 1173 are prescribed by the following directives of the individual services:

(i) Army—AR 606–5, Identification Cards, Tags, and Badges.

(ii) Navy—DUPERS Instruction 1750.5A, Uniformed Services Identification and Privilege Card, DD Form 1173; Regulations governing, and Marine Corps Order 1750.4A, Uniformed Services Identification and Privilege Card, DD Form 1173.

(iii) Air Force—AFR 30–20, Uniformed Services Identification and Privilege Card—DD Form 1173.

(iv) U.S. Public Health Service—Dependents' Medical Care Circular No. 2.

(3) Except as indicated in subdivision (i) and (ii) of this subparagraph, when requesting care from uniformed services facilities or from civilian sources under the Dependents' Medical Care Program, dependents ten years of age and older will be required to show DD Form 1173 to the cognizant medical authority or his designee. Normally, DD Form 1173 is not issued to minor children under ten years of age. Certification and identification of such minor children for medical care will be the responsibility of the service member, accompanying parent, legal guardian, or acting guardian. Under extenuating circumstances, a DD Form 1173 may be issued children under ten years of age as authorized by the directives of the individual services:

(i) In an emergency, the requirement to show DD Form 1173 may be waived, provided the dependent presents acceptable collateral identification.

(ii) Where DD Form 1173 is not available and no emergency exists:

(*a*) The patient may be admitted to a civilian medical facility as a potential beneficiary of the Dependents' Medical Care Program. Payment in such cases will be made only if the conditions in either paragraph (b) (2) or (3) of this section are met.

(*b*) Uniformed services facilities may accept a statement from the dependent, parent, sponsor, legal guardian, or acting guardian, attesting to the eligibility of the patient.

(iii) In all cases where care is obtained from civilian sources, the dependent, parent, sponsor, legal guardian, or acting guardian, as appropriate, will be required to execute the applicable certificate on DA Form 1863 (Statement of Services Provided by Civilian Medical Sources—Public Law 569).

(iv) Uniformed services medical facilities may prescribe such additional local verification procedures as are deemed necessary. However, no procedure will be prescribed that will complicate, delay, or preclude the treatment of an eligible dependent or discriminate against the dependents of members or retired members of other uniformed services.

(b) *Documentation of DA Forms 1863 covering civilian care furnished dependents without DD Form 1173.* Before claims from civilian sources in these cases are submitted for consideration of payment, the DD Form 1173, if available, must be presented and the number and expiration date entered on the claim form. In cases where the DD Form 1173 is not available, the claim must be documented as follows:

(1) The DA Form 1863 for emergency care provided a dependent without a DD Form 1173 must contain a statement by the attending physician that the case was an emergency.

(2) In instances where civilian care is provided a dependent under the conditions set forth in paragraph (a) (3) (ii) (*a*) of this section, the DA Form 1863 must be supported by a statement from an official of the uniformed services authorized to issue DD Form 1173 under the provisions of the individual service directives (paragraph (a) (2) of this section), indicating that the patient was an eligible dependent during the period covered by the claim. The statement will include the name, rank, or grade, and position of the issuing official and a statement that he is authorized to issue DD Forms 1173.

(3) When a dependent is issued a DD Form 1173 after care from civilian sources has been commenced or completed and an official of the uniformed service issuing the DD Form 1173 determines that such dependent was eligible during all or part of the period that care was furnished, the official concerned will provide the dependent with a letter so indicating. This letter must be submitted with the DA Form 1863 pertaining to such a case.

§ 577.64 Determination of source from which eligible dependents receive medical care.

(a) *Among uniformed services facilities.* Normally, a dependent requesting care at a uniformed services medical facility will use the facilities servicing the area in which the dependent resides. Exceptions to this policy may be authorized (§ 577.65(e)).

(b) *Between civilian medical facilities and uniformed services medical facilities*—(1) *Dependents eligible for civilian medical care.* Only wives, dependent husbands and children who are dependents of active duty members of the uniformed services are authorized care from civilian medical sources at Government expense. No other category of dependents may be furnished civilian medical care at Government expense under the Dependents' Medical Care Program, regardless of the circumstances, emergency, or nonavailability of uniformed services medical facilities.

(2) *Dependents eligible for care in uniformed services facilities.* All dependents listed in § 577.61(d) are eligible for care in medical facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the professional staff.

(c) *Source of medical care for spouses and children residing apart from sponsor.* Spouses and children who are not residing with their sponsors shall have free choice between uniformed services medical facilities (see § 577.65(c) and (d) for the types of care authorized dependents in such facilities) and civilian medical facilities (see § 577.67(b) and (d) for the types of care authorized dependents from civilian sources).

(d) *Source of medical care for spouses and children residing with sponsor*—(1) *In the United States and Puerto Rico.* Spouses and children residing with their sponsor may obtain authorized medical care at Government expense from civilian sources only after it has been determined that such care cannot be provided by a uniformed services medical facility located within reasonable distance of the patient's residence, except in emergencies and under other circumstances listed herein. For purposes of §§ 577.60–577.68, the term "spouses and children residing with their sponsor" includes those who reside in an area to which their sponsor is assigned; e.g., those who reside in the household of the sponsor in the area of his permanent duty station, or the home port or home yard of a ship, even though the sponsor may be temporarily away, by reason of temporary duty with his unit or ship from the permanent duty station or home port or home yard respectively, or by reason of the sponsor's absence on individual temporary additional duty orders. Therefore, the DA Form 1863 covering a dependent residing in an area to which the sponsor is assigned should be filled in to show that the dependent is residing with the sponsor.

(i) A Nonavailability Statement (DD Form 1251) normally will be furnished spouses and children who reside with their sponsors in the following instances: when there are no medical facilities of the uniformed services in the area in question; or when available medical facility (or facilities) of the uniformed services in the area does not have the capability to provide the required care because the facility lacks the necessary staff, facilities, or space. Forms will be prepared in quadruplicate and all copies will be signed by the issuing officer. Three copies will be furnished to the patient; one to be given to the attending physician, one to the civilian hospital, and one to be retained by the patient. The remaining copy will be retained by the issuing authority.

NOTE. DD Form 1251, which formerly was called "Medicare Permit," has been revised and is now entitled "Nonavailability Statement." Until the revised DD Forms 1251 become available through normal publication supply channels, the old DD Forms 1251 (Medical Permit) will be used. In using the old forms, the last block on the form "Examples of care not authorized" will be obliterated and reference to this item in the statement at the top of the form "(See examples below)" will be struck through.

(*a*) The issuing authority will explain to the patient that the Nonavailability Statement must be presented to the source of civilian medical care if the dependent chooses to seek such care under the Dependents' Medical Care Program. The issuing authority will point out that the statement is for immediate use and will emphasize that the statement should not under any circumstances or conditions be considered as an indication that the Government will necessarily pay for the civilian medical care obtained. The issuance of a statement may be considered to reflect the following:

(*1*) The care requested is not available from uniformed services facilities.

(*2*) If the care obtained from civilian sources is subsequently determined to be authorized care under the Dependents' Medical Care Program, it will be paid for by the Government to the extent that the program permits.

(*3*) If the care obtained is not care authorized to be obtained from civilian sources under the program, the issuance of the Nonavailability Statement will not render the Government liable for payment of any portion of the unauthorized care received.

(*b*) Under the provisions of the Dependents' Medical Care Program, the contractor processing a claim for civilian medical care must be governed by the statements and information entered on, or attached to, the DA Form 1863 which the physician or hospital submits and not by the statements of the individual issuing the Nonavailability Statement. Accordingly, no entry will be made on the Nonavailability Statement by the issuing authority as to diagnosis or classification of the condition (acute or chronic). Additionally, a commander of a uniformed services installation or off-post activity, or any member of his command, will not make any commitment to a civilian physician or civilian hospital that the medical care provided in a specific case will be authorized for payment by the Government under the Dependents' Medical Care Program.

(ii) When residing in an area where there is no uniformed services medical facility, the sponsor or dependent may request a Nonavailability Statement from the nearest uniformed services installation or off-post activity (except installations and off-post activities of the Coast and Geodetic Survey) in order to obtain civilian medical care. It is the responsibility of the commander of such installation or off-post activity, or his designated representative, to furnish the sponsor or dependent with a Nonavailability Statement if he determines that a medical facility of the uniformed services is not within reasonable distance of the dependent's residence. In determining what constitutes reasonable distance, in addition to the distance factor, consideration will be given to time required to normally complete the trip, unusual geographic and transportation factors, such as availability of public or private transportation, and the presence of toll bridges or ferries which would increase unreasonably the time and expense of travel. The fact that a uniformed services medical facility is located in another geographic area, as delineated by a State, county, city, town or similar boundary, does not in and of itself, place the facility outside that area of the dependent's residence.

(iii) When residing in an area where there is a uniformed services medical facility, the dependent will apply for medical care at that facility. The commander of the medical facility, or his designee, will determine whether adequate medical facilities and medical staff are available to furnish the required care. When it is determined that the care cannot be provided, it is the responsibility of the commander of the medical facility, or his designee, to furnish the dependent or sponsor a Nonavailability Statement. Under no circumstances will the commander of a uniformed services medical facility, or any member of his command, refer a dependent to a specific civilian physician or civilian hospital for medical care.

(iv) The requirement for a Nonavailability Statement will be waived:

(*a*) When it is necessary for a spouse or child to obtain care from civilian sources due to a bona fide emergency; e.g., serious injury following an accident or illness of sudden onset requiring immediate hospitalization at the nearest available medical facility to preserve life, health, or to prevent undue suffering. In such cases, the attending physician is required to certify that the emergency did, in fact, exist.

(*b*) During the period of absence from the area of the sponsor's household on a trip.

(v) In areas where there are medical facilities of two or more uniformed services, a "Dependents' Regulating Office" will be established to insure optimum utilization of such facilities. It will be the responsibility of the service having the facility with the largest number of beds for patient care in the area to establish and operate the local Dependents' Regulating Office. The commander of each medical facility concerned will furnish the regulating office with periodic reports on his capability to care for additional dependents. The frequency and composition of these reports will be determined locally. When the care cannot be furnished at the uniformed services medical facility to which the dependent applies, the regulating office will be contacted to determine whether the care can be provided at another facility before a Nonavailability Statement is issued. When two or more facilities are available, the patient will be permitted to make a choice of the facility to be utilized except as provided in § 577.65(e). The function of a Dependents' Regulating Office is not to issue Nonavailability Statements but to collect and make available to the various medical facilities information on the capability of other uniformed services medical facilities in the area. The commander of the medical facility to which the dependent applies for care is responsible for issuance of the Nonavailability Statement when indicated.

(vi) An issuing authority may issue a Nonavailability Statement on a retroactive basis to cover care already commenced or completed by civilian medical sources when it is determined that the Nonavailability Statement could have been issued before the care was commenced if application had been made. Nonavailability Statement issued under these circumstances will bear a statement in the "Remarks" portion of the form that it is issued on a retroactive basis with an effective date of (_____).

(vii) Spouses and children residing with their sponsors will be issued and will retain DD Forms 1173 indicating that they are eligible for care in both uniformed services medical facilities and civilian medical facilities. DD Form 1173 is the basic identification document and is not affected by the requirement for a Nonavailability Statement.

(viii) When the status of a dependent changes from residing apart to residing with sponsor, the source of medical care will be determined as follows:

(*a*) *Hospitalization.* A spouse or child who is residing apart from his sponsor at the time of admission to a civilian hospital and who acquires the status of "residing with sponsor" during hospitalization, may complete authorized care for that admission and readmission as authorized in § 577.67(f) without a Nonavailability Statement.

(*b*) *Maternity care.* An eligible dependent who is residing apart from sponsor at the time maternity care is commenced, and who takes up residence with her sponsor during the period of the care and prior to hospitalization for delivery or for complications of pregnancy, may continue to obtain care and hospitalization from civilian sources without a Nonavailability Statement provided she does not change her attending physician. If such a dependent cannot continue care with the same physician and her new residence is in an area where there is a uniformed services medical facility, she will apply for care at such facility. If her new residence is in an area where there is no uniformed services medical facility, she may request a Nonavailability Statement from the nearest uniformed services installation or off-post activity (except installations and off-post activities of the Coast and Geodetic Survey) in order to obtain civilian medical care.

(2) *Outside the United States and Puerto Rico.* Where medical facilities of the uniformed services are available within the area and are capable of providing the required care, spouses and children who are residing with their sponsors will utilize these facilities for such medical care. In areas where medical facilities of the uniformed services are either nonexistent or incapable of providing adequate medical care, spouses and children who are residing with their sponsors may be provided authorized civilian medical care from professionally acceptable local sources in accordance with §§ 577.60–577.68. The oversea commander has authority to make his own interpretation of the phrase "in the area" in determining whether uniformed services medical facilities are available and to make his own determination of what constitutes "adequate medical care" in arriving at a decision as to whether medical facilities in the area are capable of providing adequate medical care.

§ 577.65 Medical care for dependents at medical facilities of the uniformed services.

(a) *Authority for providing medical care to dependents.* (1) Whenever requested, and except as indicated in subparagraph (2) of this paragraph, authorized medical care in medical facilities of the uniformed services shall be provided, subject to the availability of space and facilities and the capabilities of the professional staff, to dependents of:

(i) Active duty members of the uniformed services.

(ii) Retired members of the uniformed services.

(iii) Persons who died while active duty members of the uniformed services.

(iv) Persons who died while retired members of the uniformed services.

(2) This care is not available to dependents at the following facilities operated by the Public Health Service:

(i) Outpatient offices.

(ii) Designated physician's offices.

(iii) Indian or Alaska native service hospitals.

(3) Determinations made by the commanding officer, medical officer in charge, or contract surgeon in charge of the uniformed service medical facility, or by his designee, as to the availability of space and facilities and the capabilities of the professional staff, shall be conclusive. A dependent shall not be discriminated against because of the sponsor's assignment or service affiliation.

(4) The furnishing of medical care to dependents shall not interfere with accomplishment of the primary mission.

(b) *Determination of availability of facilities.* In determining whether or not a uniformed services medical facility is available to dependents for medical care, consideration will be given to the following:

(1) Primary mission of the facility.

(2) Adequacy of professional care available.

(3) Optimum number of patients who can be treated without sacrificing high professional standards.

(4) Optimum utilization of the facility.

(c) *Medical care authorized.* (1) Except in an emergency, medical care of dependents in the facilities of the uniformed services shall be limited to the following:

(i) Diagnosis.

(ii) Treatment of acute medical conditions.

(iii) Treatment of surgical conditions.

(iv) Treatment of contagious diseases.

(v) Immunization.

(vi) Maternity and infant care.

(vii) Treatment authorized by The Surgeon General of a uniformed service in accordance with paragraph (d)(2) of this section.

(2) Treatment may be provided for acute emergencies of any nature which are a threat to the life, health, and well-being of the patient. Hospitalization is authorized in medical facilities of the uniformed services for such emergencies only pending completion of arrangements for care elsewhere unless the illness or condition qualifies for care under subparagraph (1) (i), (ii), (iii), (iv), (vi), or (vii) of this paragraph.

(3) When a hospitalized dependent patient requires care beyond the capabilities of the medical facility, the commanding officer or officer in charge of the facility is authorized to arrange for the required care by one of the following means:

(i) Transfer the patient to the nearest medical facility of the uniformed services where the required treatment is available. Transportation is authorized at Government expense. Government transportation will be used when available.

(ii) Procure from civilian sources the necessary supplemental material and professional and personal services required for the proper care and treatment of the patient in his facility. Charges for such material or services will be paid from funds available to operate the uniformed services medical facility furnishing the care.

The authorization provided by this subparagraph is applicable after admission of the patient when the patient's condition so requires.

(d) *Medical care not authorized.* (1) Dependents shall not be provided hospitalization at medical facilities of the uniformed services for the following:

(i) Chronic diseases (§ 577.61(h)(5)) except for acute exacerbations or complications requiring active and definitive medical or surgical treatment.

(ii) Nervous and mental disorders (§ 577.61(h)(6)) except for diagnostic purposes.

(iii) Care which, in the opinion of the cognizant medical authority, is not medically indicated; e.g., surgery solely for cosmetic purposes.

(iv) Domiciliary care (§ 577.61(h)(4)).

(2) However, in special and unusual circumstances, exceptions for specific patients may be made by the Surgeon General having jurisdiction over the uniformed services medical facility concerned and hospitalization and/or treatment may be provided for such disorders or diseases as set forth in subparagraph (1)(i) and (ii) of this paragraph. In no instance may the period of hospitalization exceed 12 months.

(3) Dependents shall not be provided:

(i) Artificial limbs, artificial eyes, hearings aids, orthopedic footwear, and spectacles, except that, outside the United States, and at remote stations within the United States when so designated by the secretary of the uniformed service concerned upon approval by the Secretary of Defense where adequate civilian facilities are not available, those items if available from Government stocks, may be provided to dependents at invoice cost. When the invoice cost is not available, the inventory or catalog price may be used at the discretion of the responsible property officer concerned. For example, the charges to the dependent for spectacles could be on the basis of standard unit price of components.

(ii) Ambulance service for initial admission, except that a Government ambulance may be used in acute emergency as determined by the medical officer or other responsible officer in charge.

(iii) Home calls, except in special cases where it is determined by the medical officer in charge to be medically necessary.

(e) *Cross-utilization and liaison with other medical facilities.* To provide effective cross-utilization of medical facilities of the uniformed services, eligible dependents, regardless of service affiliation, shall be given equal opportunity for medical care. Such dependents may request and be furnished medical care at the medical facility of the uniformed service serving the area in which they reside or in the medical facility of the sponsor's own uniformed service depending upon the capability of the medical facilities concerned. In areas where medical facilities of two or more uniformed services are available, the appropriate officials of each service with due consideration for the relative size and capabilities of the medical facilities, shall participate jointly in determining the capabilities and establishing areas of medical responsibility. Delineation of such areas shall be published jointly and will include zones in which dependents are permitted to use either the facilities of the sponsor's own service or the facilities which have medical responsibility for the area in which the dependent resides.

(f) *Charges for dependent medical care in uniformed services facilities.* When medical care is provided dependents in facilities of the uniformed services, the following charges shall be made to the patient:

(1) *Inpatient care.* $1.75 per day.

(2) *Outpatient care.* No charge will be made for outpatient care.

(g) *Dependents who become ineligible for medical care.* In case a dependent is an inpatient at a uniformed services medical facility at the time the member upon whom dependent is discharged from the service, or is officially placed in a desertion status, or when the dependent's status changes so that said inpatient is no longer a dependent by definition as in § 577.61(d), the Government's responsibility for furnishing such a person medical care under the Dependent's Medical Care Act ceases at 2400 hours (midnight) of the date of such event.

(1) If continuation of the hospitalization of such a patient in a uniformed services facility after the date of such change in status is deemed necessary by the medical officer in charge (until proper disposition of the patient can be made), charges will be at the full per diem reimbursement rate.

(2) A commander who discharges a member, officially places a member in a desertion status, or who has knowledge of a change of dependency status among dependents of members under his command is responsible for notifying the uniformed services medical facility concerned under circumstances as follows:

(i) A commander who processes a member for discharge for any reason (other than for retirement) will obtain a statement from the member to the effect that the member does or does not have a dependent receiving medical care in a uniformed services medical facility upon the effective date of discharge. If in the affirmative, the commander concerned will notify the uniformed services medical facility by message communication or other expeditious means furnishing the name of the dependent, the name of the member upon whom dependent, and the date of discharge of the member.

(ii) When a member is officially placed in a desertion status, the commander taking such action shall accomplish similar notification as in subdivision (i) of this subparagraph if he has or can readily obtain the pertinent information.

(iii) When a commander receives information relative to change in dependency status or eligibility of a dependent of a member of his command, which reveals the dependent is no longer entitled to care and the dependent is receiving care at a uniformed services medical facility, the commander will immediately notify the medical facility.

§ 577.66 Dental care for dependents at dental facilities of the uniformed services.

(a) *Dental care authorized—(1) Dependents eligible for dental care.* Dental care in facilities of the uniformed services as specified in this section is authorized for dependents of:

(i) Active duty members of the uniformed services.

(ii) Retired members of the uniformed services.

(iii) Persons who died while active duty members of the uniformed services.

(iv) Persons who died while retired members of the uniformed services.

(2) *Within the United States.* Except as provided in subparagraph (3) of this paragraph, dental care is limited to the following:

(i) *Emergency dental care.* Dependents may be provided emergency dental care to relieve pain and suffering. This does not include orthodontic or prosthodontic treatment or permanent restorative work.

(ii) *Adjunct to medical or surgical treatment.* Dependents may be provided dental care deemed necessary by the cognizant dentist and physician as an adjunct to medical or surgical treatment; e.g., treatment of fractures of the jaw and treatment of infections of dental origin. Dental appliances shall be furnished only as prescribed in § 577.61 (h)(7).

(3) *Outside the United States and at designated remote areas within the United States—(i) Routine dental care.* Routine dental care is authorized outside the United States and at designated remote areas within the United States. Dependents requesting dental treatment shall not be denied such treatment solely on the basis of sponsor's assignment or location nor on the basis of the location of the dependent. Routine dental care includes general operative, surgical, and prosthodontic treatment of the type which active-duty members of the uniformed services are furnished. Determinations made by the senior dental officer of the uniformed services dental facility or his designee as to the professional aspects of providing necessary dental care within the availability and capability of the dental staff shall be conclusive. The furnishing of dental care to dependents shall not interfere with accomplishment of the primary mission.

(ii) *Cross-utilization of dental facilities.* In areas where dental facilities of two or more uniformed services are available, the appropriate officials of each service, with due consideration for the relative size and capabilities of the dental facilities, shall jointly participate in determining the capabilities and establishing areas of dental responsibility. Delineation of such areas shall be jointly published and will include zones in which dependents are permitted to use either the facilities of the sponsor's own service or the facilities which have dental responsibility for the area in which the dependent resides.

(b) *Designation of remote areas for dental care.* Remote areas within the United States shall be designated by a secretary of a uniformed service upon approval by the Secretary of Defense. Normally, an area will not be considered as remote unless the uniformed services activity is an unreasonable distance from a community with adequate civilian dental facilities. Consideration shall be given to unusual geographic and transportation factors such as toll bridges or ferries which would unreasonably increase the time and expense of travel. A community's dental facilities ordinarily will be considered inadequate for the purpose of §§ 577.60–577.68 if it is determined that the dentists in private civilian practice in the area are unable to properly care for eligible dependents of all members of the uniformed services residing in the area under consideration. All requests for designation of an area as remote shall include the following:

(1) The distance of the area from a community with adequate civilian dental facilities (in miles and time) including unusual transportation factors which must be considered.

(2) The number of civilian dentists engaged in an active private practice within a reasonable distance of the uniformed services dental facility(s).

(3) The total civilian population within a reasonable distance of the uniformed services activity.

(4) The dependent population residing on or adjacent to the installation.

(5) The total number of dependents who would be eligible for dental care at a uniformed services dental facility if the area were designated as remote.

(6) The availability of specialized dental services within the civilian community(s).

(7) The capability of the uniformed services dental facility to provide dental care to dependents in the area.

(8) Statement concerning excessive costs of civilian dental service in the community.

(9) Examples of unusual delays in obtaining civilian dental service.

(10) Statement setting forth the position of the State Dental Society concerning the proposed designation of the area as remote.

(c) *Charges for dependent dental care in uniformed services facilities.* Such dental care as may be provided to dependents of members of the uniformed services by dental facilities of the uni-

formed services shall be furnished without charge.

§ 577.67 Medical care for spouses and children in civilian medical facilities.

(a) *Eligibility for civilian medical care.* Only a wife, a dependent husband, and children who are dependents of active duty members of the uniformed services are eligible to receive specified medical care in civilian hospitals and from civilian physicians and surgeons at Government expense. Spouses and children requesting medical care from civilian sources will be required to observe the identification procedures prescribed by the uniformed services. In addition, spouses and children who are residing with their sponsors in the United States and Puerto Rico are required to provide civilian sources with a Nonavailability Statement except in an emergency or when the dependent is absent from the area of the sponsor's household on a trip (§ 577.64(d)(1)(iv)). The requirement for a Nonavailability Statement set forth in the preceding sentence is not waived either by the provisions of §§ 577.60–577.68 describing care of certain types restored to the Medical Care Program on January 1, 1960, or by those provisions authorizing payment under certain conditions where care of that type is commenced prior to January 1, 1960.

(b) *Medical and hospital care authorized from civilian sources.* (1) The following medical and surgical care is authorized spouses and children from civilian sources:

(i) Treatment of acute medical conditions, including acute exacerbations or acute complications of chronic diseases, only during hospitalization.

(ii) Treatment of surgical conditions during hospitalization as specified below:

(*a*) For patients discharged from the hospital prior to January 1, 1960, surgery is limited to treatment of acute surgical conditions.

(*b*) On and after January 1, 1960, in addition to care for acute surgical conditions, treatment is authorized for surgical conditions that are not classified as acute but for which good medical practice dictates prompt attention (e.g., tonsillectomies). However, treatment of some nonacute surgical conditions will be authorized only if certain conditions prevail. Following are examples of surgery falling in this category:

(*1*) Ears—surgery for restoration or improvement of hearing is allowable.

(*2*) Eyes—surgery for glaucoma, cataracts, strabismus (squint) or other conditions to aid or improve vision of the affected eye(s) is allowable.

(*3*) Hare lip and/or cleft palate—surgery for initial repairs, including surgery for subsequent repair known and established as a requirement at the time of original surgery is authorized. Subsequent revisions are not authorized.

(*4*) Rhinoplasties—authorized only for improvement of nasal respiratory physiology.

(*5*) Skeletal defects (e.g., club foot, congenital dislocated hip) — surgical treatment is authorized only when treatment is required as an in-hospital patient to improve function. Care normally provided on an outpatient basis and not requiring hospitalization is not authorized.

(*6*) Surgical treatment for removal of supernumerary digits or for correction of syndacylism is authorized only for improvement of function.

(*7*) Scars—surgical treatment is authorized only when a scar is ulcerated, shows clinical evidence of malignancy, or when a contracture impairing anatomical function is present.

(*8*) Surgical treatment for removal of nevi, hemangiomas and/or telangiectatic lesions is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if the size and location produce functional impairment.

(*9*) Surgical treatment for removal of plantar warts verrucae, sebaceous cysts, condylomata or moles is authorized only if they are bleeding, ulcerated, painful, or show clinical evidence of malignancy, or if size and location produce functional impairment.

(*10*) Mammoplasty is authorized only when severe pain or marked disability is present.

(*11*) Tubal ligation or other sterilization procedures—surgical procedure is authorized only when the procedure is a necessary requirement in the proper medical management of an otherwise unrelated medical or surgical condition for which treatment is authorized under §§ 577.60–577.68.

(*c*) Where a patient was admitted to a hospital for nonacute surgery prior to January 1, 1960, and is still in the hospital on that date receiving a type of treatment which is authorized on and after that date, payment may be made to the civilian sources of care for the entire uninterrupted period of hospitalization.

(*d*) Those surgical procedures that are customarily cared for by a dentist may be treated by a dentist who is a member of the staff of a hospital and normally performs these surgical procedures in that hospital. The removal of teeth, gingivectomies, and alveolectomies are not authorized surgical procedures unless they meet the criteria of adjunctive dental care as defined in §§ 577.60–577.68. When authorized surgical treatment is performed by a dentist, other procedures, diagnostic tests, services and supplies authorized or ordered by him may be paid to the same extent as if a physician or surgeon authorized or ordered them.

(iii) Treatment of contagious diseases during hospitalization.

(iv) Complete obstetrical and maternity care including certain infant care.

(*a*) Complete obstetrical and maternity services shall include prenatal care, delivery, and postnatal care in a hospital, office, or home. Payments for prenatal care, delivery, and postpartum care shall be made to the physician performing the respective service in accordance with the local schedule of allowances (§ 577.67(f)(6)). In the event that more than one physician provides prenatal care, the prenatal care period may be divided into 3 parts with appropriate apportionment of the prenatal fee, or other appropriate arrangements for reimbursing the physician for services rendered may be made in the local schedule of allowances. The Government normally shall not pay more than one physician's fee for each trimester. During prenatal care a change in physicians as a result of a permanent change of station of the sponsor, a change in residence of the patient involving a considerable distance, or death or disability of the attending physician would be exceptions. Similarly the Government shall not pay a separate fee for postpartum care except when the physician performing the postpartum care is other than the physician who performed the delivery as a result of changes as in the examples above. Allowances are authorized for laboratory tests, pathological or radiological examinations and other procedures performed or authorized by the attending physician in the management of the pregnancy. In instances of home or office confinement, payments are not authorized for the purchase or rental of beds, bassinets, or similar equipment, nor services of private duty nurses.

(*b*) Necessary infant care will be provided during the period of hospitalization following delivery. If the infant requires further hospitalization after discharge of the mother, such care is authorized as a continuation of the original admission. Also, in the case of a home or office delivery, necessary infant care may be provided on an outpatient basis for a period not to exceed 10 days following the date of delivery.

(*c*) Obstetrical and maternity patients who develop acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the six weeks' postpartum period authorized for maternity care, are authorized in-hospital care for such disorders.

NOTE: Any patient hospitalized in a civilian hospital for treatment authorized by subdivisions (i) through (iv) of this subparagraph may be transferred to a hospital of the uniformed services subject to the availability of space and facilities and the capabilities of the professional staff. In such cases, transfer to a uniformed services hospital at Government expense is authorized in the same manner provided in paragraph (g)(2) of this section. Arrangements for transfer should be made between the sponsor or patient and the commander of the nearest uniformed services medical facility.

(v) Treatment in a hospital for acute emotional disorders is authorized as follows:

(*a*) For patients discharged from the hospital prior to January 1, 1960, treatment of acute emotional disorders is limited to the following:

(*1*) Care of this type required by a dependent during a period of hospitalization for a condition that qualifies as authorized care under subdivisions (i) through (iv) of this subparagraph.

(*2*) Acute emotional disorders complicating pregnancy or constituting postpartum psychosis occurring within the authorized 6 weeks' postpartum period.

(*b*) On and after January 1, 1960, in addition to the care authorized in (*a*) of this subdivision, treatment in a hospital for an acute emotional disorder is authorized if such disorder is considered to constitute an emergency which is a threat to the life or health of the pa-

tient. Ordinarily care will be provided for an acute emotional disorder only until the disorder subsides, until arrangements are made for care elsewhere, or until the end of 21 days of hospitalization whichever occurs earliest. Extension beyond 21 days may be granted on a case-by-case basis where the member or the dependent, or the representative of either, shows that due to absence (e.g., oversea assignment of sponsor when the dependent is in the United States) arrangements for care elsewhere could not be completed within the 21-day period. Procedures for granting extensions will be established by the Executive Director, Office for Dependents' Medical Care, and appropriate oversea commanders for their respective areas of jurisdiction.

(c) Where an eligible dependent is admitted to a civilian hospital before January 1, 1960, for treatment of an acute emotional disorder constituting an emergency and is still in the hospital for treatment of such condition on that date, payment may be made to the civilian sources for care provided during that hospitalization up to a maximum of 21 days even though a portion of the care was furnished prior to January 1, 1960. In determining whether 21 days have elapsed when such a case is being considered for extension, only days for which payment may be made pursuant to this paragraph will be considered.

(d) With special exceptions, as authorized by the Surgeon General of a uniformed service, additional care for an acute emotional disorder in a hospital of the uniformed service, on a space available basis may be provided in accordance with § 577.65(g)(2). In such cases, transfer to a uniformed services hospital at Government expense is authorized in the manner provided in paragraph (g)(2) of this section.

(vi) Dental care which is a necessary adjunct to medical or surgical treatment rendered in a hospital to a dependent who is a hospital patient. Such dental care shall not include removable or fixed prosthodontic restorations, orthodontia, restorative dentistry, and prolonged periodontal treatment.

(vii) All diagnostic tests and procedures, including laboratory tests and pathological and radiological examinations, when ordered by the attending physician and accomplished during a period of hospitalization.

(viii) In those instances during the period of hospitalization when treatment by the use of X-ray, radium or radioisotopes is prescribed, such treatment may be continued or carried out on an outpatient status.

(ix) The cost of blood and the service charge for blood required during authorized care of eligible dependents in civilian medical treatment facilities are allowable benefits. However, friends and relatives of the patient having the type blood required should be encouraged to donate blood. In instances where blood must be purchased, these purchases should be made by the civilian hospital and included on the claim for reimbursement. Only in exceptional instances will payment be made to a civilian physician. Any person providing blood for an individual undergoing treatment at Government expense may be reimbursed therefor at the rate which prevails at the civilian medical treatment facility but not to exceed the sum of $50 for each withdrawal (act of July 30, 1941 (55 Stat. 609) as amended (24 U.S.C. 30)).

(x) Services required of a physician or surgeon prior to an following hospitalization for a bodily injury or surgical operations.

(xi) When a dependent is hospitalized for treatment of a bodily injury or for surgical procedure, payment for pre- and post-hospitalization tests and procedures is authorized as follows:

(a) Effective January 1, 1960, payment is authorized in an amount not to exceed $75 at Government expense for necessary diagnostic tests and procedures performed or authorized by the attending physician prior to hospitalization for the same bodily injury or surgical procedure for which hospitalized. Where a patient is admitted to a hospital for treatment of a bodily injury or surgical procedure before January 1, 1960 and is still in the hospital on that date, prehospitalization tests and procedures in connection with that hospitalization are authorized for payment under this paragraph.

(b) Effective January 1, 1960, payment is authorized in an amount not to exceed $50 at Government expense for necessary tests and procedures performed or authorized by the attending physician for proper after-care of the same bodily injury or surgical procedure for which hospitalized. Where a patient is hospitalized for a bodily injury or surgical procedure before January 1, 1960, and is still in the hospital on that date, the necessary post-hospitalization tests and procedures in connection with that hospitalization are authorized for payment under this paragraph.

(c) The monetary limitations in (a) and (b) of this subdivision may be exceeded in special and extraordinary cases provided that the physician authorizing the tests and procedures submits a special report justifying the additional charges. In the United States and Puerto Rico these reports will be reviewed by a contractor's physician review board. This board will make appropriate recommendations to the Executive Director, Office for Dependents' Medical Care, who may authorize such additional payments. Outside the United States and Puerto Rico, special reports referred to above will be processed in accordance with procedures established by the commander administering the program in the area.

(xii) Effective January 1, 1960, treatment for bodily injuries (fractures, dislocations, lacerations, and other wounds) is authorized on an outpatient basis. In those cases where the injury occurred prior to January 1, 1960, but subsequent to December 1, 1959, and where the patient is still under the care of the physician on or after January 1, 1960, for the same injury, payment is authorized from the date of commencement of care. Authorized treatment includes diagnostic and therapeutic tests and procedures authorized by the attending physician. Treatment of fractures, dislocations, lacerations, and other wounds customarily cared for by a dentist may also be paid under the provisions of this subparagraph.

(xiii) If a consultant's services are required for proper care and treatment of a patient, such services are authorized.

(2) Hospitalization for the types of care referred to in subparagraph (1)(i) through (iv) of this paragraph is limited to a maximum of 365 days for each admission (except as provided in paragraph (g) of this section) and to semiprivate accommodations (except as provided in paragraph (f) of this section). The necessary services and supplies furnished by the hospital to a dependent in an inpatient status are considered part of hospitalization.

(3) Clinical evidence and certification furnished by the source of civilian care will be used as a basis for determining whether or not bills for care furnished under this paragraph will be paid.

(c) *Special definitions and policies.* In determining the extent of dependent medical and dental care to be provided spouses and children at Government expense, the following special definitions and policies shall apply:

(1) *Applicable terms.* (These terms may be modified for use outside the United States and Puerto Rico by the appropriate oversea commander or other commander with comparable responsibility.)

(i) *Hospital.* The word "hospital" shall mean only an institution which is operated in accordance with the laws of the jurisdiction in which it is located pertaining to hospitals, is primarily engaged in providing diagnostic and therapeutic facilities for surgical and medical diagnosis, treatment and care of injured and sick persons by or under the supervision of staff physicians or surgeons, and continuously provides 24-hour nursing service by registered graduate nurses. It shall specifically exclude:

(a) Any institution which is primarily:

(1) A place of rest;

(2) A place for the aged;

(3) A place for the treatment of drug addiction or alcoholism;

(4) A nursing home; or

(5) A convalescent home.

(b) A facility operated by the Federal Government or any agency thereof, except Freedmen's Hospital, Washington, D.C.

(ii) *Private accommodations.* The term "private accommodations" means one bed in a room.

(iii) *Semiprivate accommodations.* The term "semiprivate accommodations" means 2, 3, or 4 beds in a room.

(iv) *Ward accommodations.* The term "ward accommodations" means 5 or more beds in a room. Where ward accommodations are furnished under the circumstances described herein, a portion of the cost will be borne by the Government in accordance with paragraph (f)(1) of this section. Ward facilities may be used for pediatric cases whenever this is the normal medical practice and the parent or guardian

willingly accepts such accommodations. Further, when the attending physician admits his patient to a hospital in which all semiprivate accommodations are occupied, care furnished therein shall be considered authorized care, but the patient should be transferred to a semiprivate accommodation as soon as possible. Also, when a patient is admitted to an otherwise eligible institution which furnishes only ward accommodations, care furnished therein shall be considered authorized care.

(v) *Necessary services and supplies.* Those services and supplies ordered by the attending physician which are customarily provided and charged for by the hospital.

(vi) *Physician or surgeon.* A person who is legally qualified to prescribe and administer all drugs and to perform all surgical procedures.

(vii) *Dentist.* A person who is legally qualified to prescribe and administer all drugs and perform all procedures related to the teeth, jaws, and to structures contiguous to one or the other.

(viii) Local schedule of allowances means the professional fee schedule for payment of physicians services applicable to a local area. In the United States and Puerto Rico, the schedule of allowances is that schedule negotiated with the physician's representatives and approved by the Executive Director, Office for Dependents' Medical Care, for the Department of Defense and the Department of Health, Education, and Welfare. Where such a schedule of allowances has not been negotiated and approved, the Executive Director, Office for Dependents' Medical Care, may provide a schedule of allowances for use in payment for physician's services provided dependents in his area of responsibility. Where the term "local schedule of allowances" is used in §§ 577.60–577.68, and no schedule is in existence, particularly in oversea areas, the standard charge for service rendered by physicians in the locality concerned will be used as a guide in lieu of such schedule.

(2) *Hospital care.* (i) Hospital care under this section is defined as inpatient care for 18 consecutive hours or more, except for shorter periods of hospitalization for surgical procedures, treatment of fractures or other bodily injuries, or instances in which death occurs in a lesser period of time.

(ii) Hospital care shall include board and room and necessary services and supplies for a maximum of 365 days for each admission except as provided in paragraph (b)(1)(v)(*b*) of this section and paragraph (g) of this section.

(3) *Professional services.* Payment for professional services is authorized as follows:

(i) Payment of physicians' fees according to the local schedules of allowances, including those of necessary consultants, for authorized medical and surgical care.

(ii) Payment of dentists' fees for authorized medical, surgical, and dental care.

(iii) Payment for services of self-employed anesthetists and self-employed physical therapists for services provided eligible dependents when the attending physician certifies that such services were required for the proper care and treatment of the patient.

(iv) Payment of a portion of the cost for private-duty nursing care when the attending physician certifies that such care was required for the proper care and treatment of the patient while receiving authorized hospital care (paragraph (f)(5) of this section).

(4) *Drugs and medicinals.* (1) Physicians furnishing authorized care to eligible dependents may include the cost to them of those drugs which they administer by injection, provided such drugs are necessary and directly related to the condition for which treatment is being furnished.

(2) Payment is not authorized for medications dispensed by a physician on an outpatient basis or prescribed by a physician on an outpatient basis and procured by the dependent or sponsor from civilian sources. However, payment is authorized for medication prescribed or ordered by a physician and furnished by a hospital to an eligible dependent during hospitalization and for use during such hospitalization.

(d) *Medical care not authorized.* Medical care and services specified in this section shall not be authorized for any of the following:

(1) Chronic diseases (§ 577.61(h)(5)) except for acute exacerbations or complications requiring active and definitive medical or surgical treatment.

(2) Nervous and mental disorders, including acute emotional disorders, except as provided in paragraph (b)(1)(v) of this section.

(3) Domiciliary care (§ 577.61(h)(4)).

(4) Treatments or procedures normally considered to be outpatient care (§ 577.61(h)(2)) except as otherwise provided in §§ 577.60–577.68.

(5) Ambulance service except in connection with transfer from a civilian hospital to a uniformed services medical facility as noted in paragraphs (b)(1), (e)(1), and (g)(2) of this section.

(6) Prosthetic devices such as artificial limbs, artificial eyes, hearing aids, orthopedic footwear, spectacles, and similar medical supports or aids.

(7) Surgical care that is requested by the patient which in the opinion of the cognizant medical authority is not medically indicated. Examples of types of surgical care not authorized are set forth below:

(i) Cosmetic surgery—any surgery for improvement or change of appearance or for phychological reasons.

(ii) Ears—reconstruction and/or revision of the external ear; surgery based on psychological reasons.

(iii) Congenital defects of skeletal and/or central nervous system which are readily identifiable as representing chronic long term conditions and characteristically respond poorly to surgical intervention.

(iv) Sterilization procedures for multiparity, socio-economic and/or psychological reasons.

(v) Procedures designed to correct a state of infertility or sterility.

(vi) Removal of tattoos.

(8) Treatment for nonacute medical conditions (paragraph (b)(1)(i) of this section). Examples of types of care not authorized are set forth below:

(i) Procedures designed to determine state of infertility or sterility.

(ii) Pseudocyesis (false pregnancy) or pregnancy suspected but not proven.

(iii) Tests to determine pregnancy, except when the patient is in fact pregnant and when tests are required for proper conduct of maternity or postpartum care (hydatid mole).

(iv) Diagnostic evaluation and hospital admission in connection therewith when patients are not acutely ill or when diagnostic surveys are not followed by surgery.

(v) Rehabilitation procedures for persons with congenital defects, cerebral palsy, or poliomyelitis (except when related to inhospital care of surgical procedure performed for improvement or restoration of function).

(vi) Treatment for tuberculosis-inactive (nonacute) when determined by clinical tests. Treatment is authorized only for the active (acute) phase as determined by acceptable medical standards (positive sputa; positive gastric washings; or positive chest or other X-rays).

(vii) Tests and procedures such as the following:

(*a*) Psychological, psychometric, or intelligence measuring tests.

(*b*) Speech and/or hearing therapy, remedial reading, or orthoptic training.

(*c*) Child guidance therapy.

(e) *Administrative procedures for dependent patients who become ineligible for civilian care.* (1) Spouses and children of members of the uniformed services receiving treatment in a civilian medical facility at Government expense at the time of death of a member, or such spouses and children requiring care in a civilian facility as a result of being in the same accident or the same episode (e.g., disaster type situation) which proved fatal to the member, if continued hospitalization is required, shall be transferred to a uniformed services medical facility as soon as the physical condition of the patient permits. If such a transfer is made, it will be accomplished at Government expense and transportation is authorized in the same manner as provided in paragraph (g)(2) of this section. The cost of medical and hospital care authorized from civilian sources which was furnished to the dependent during the period of hospitalization in the civilian facility shall be borne by the Government subject to the charges provided in paragraph (f) of this section.

(2) A dependent wife who is eligible for civilian medical care, whose husband dies while on active duty, who is pregnant at the time of his death and is delivered on or after July 28, 1959, may be provided from civilian sources at Government expense the obstetrical and maternity care authorized in paragraph (b)(1)(iv) of this section. This includes authorized prenatal care obtained before, on, or after July 28, 1959 and authorized neonatal care for the child. The widow will pay the charges speci-

fied in paragraph (f) of this section for this type care.

(i) The widow will be required to surrender DD Form 1173 authorizing medical care in both civilian and uniformed services facilities and will be issued a new DD Form 1173 authorizing medical care in uniformed services facilities only.

(ii) When appropriate, the official who issues the new DD Form 1173 will provide the widow with a letter, in triplicate, indicating that:

(*a*) Notwithstanding the fact that the DD Form 1173 in her possession does not authorize medical care in civilian facilities, she is authorized obstetrical and maternity care for her current pregnancy from civilian sources at Government expense if it is determined that she was pregnant on---------- (date of husband's death), and

(*b*) A copy of the letter should be attached to the DA Form 1863 submitted by the civilian physician and/or hospital providing care under these circumstances.

(iii) The widow shall have free choice between civilian and uniformed services medical facilities.

(3) In cases of spouses and children (other than those referred to in subparagraphs (1) and (2) of this paragraph) receiving treatment from civilian sources at Government expense at the time entitlement to receive care from civilian sources ceases, the Government's responsibility for payment for such care ceases, so far as the source of civilian care is concerned, as of 2400 hours on the date of receipt of notice by the source of care that the dependent's entitlement to medical care from civilian sources has terminated, or the normal expiration date of the DD Form 1173, whichever is earlier. The Government's responsibility ceases, so far as the dependent or member is concerned, as of 2400 hours on the date the dependent, for any reason, ceases to be entitled to receive care from civilian sources at Government expense. Examples of instances in which the Government's responsibility for payment ceases include, but are not limited to the following: the member's release from active duty, discharge, separation from the service by punitive-type discharge, official placement of the member in a desertion status, and divorce. (With regard to eligibility of a dependent child upon divorce of sponsor, see Note 1 following § 577.61(d)(5).)

(i) It shall be the responsibility of the commander who processes a member for separation or retirement to obtain a statement from the member to the effect that he does or does not have an eligible dependent spouse or child receiving civilian care at Government expense upon the effective date of release from active duty. When the above statement is in the affirmative, the commander concerned will notify the Executive Director, Office for Dependents' Medical Care (for patients in the United States and Puerto Rico) direct, by message communication or other expeditious means furnishing the name of the dependent involved and the member upon whom dependent, date of release of the member from active duty, and the name and address of the civilian medical facility or physician where the dependent is receiving care. For patients in areas other than the United States and Puerto Rico, notification will be made to the appropriate oversea commander direct, by message communication.

(ii) Commanders executing punitive discharge of a member will obtain a statement from the member to the effect that the member does or does not have an eligible dependent spouse or child receiving civilian medical care at Government expense upon the date of the punitive discharge. When the above statement is in the affirmative, the commander concerned will accomplish the notification as prescribed in subdivision (i) of this subparagraph, furnishing the name of the dependent involved, name of the member upon whom dependent, date the punitive discharge of the member is executed, and the name and address of the civilian medical facility or physician from whom the dependent is receiving care. If the commander has reason to believe the member has a spouse or child receiving civilian medical care at Government expense and he is unable to obtain this statement as above, he will accomplish the notification as in subdivision (i) of this subparagraph, to the extent of information available.

(iii) When a member is officially placed in a desertion status, the commander effecting such action and who has reason to believe that the member has a dependent spouse or child receiving civilian medical care at Government expense, shall accomplish the notification as prescribed in subdivision (i) of this subparagraph, furnishing the name of the dependent involved, name of the member upon whom dependent, date the member was placed in a desertion status, and the name and location of the civilian medical facility or physician from whom the dependent is receiving care.

(iv) Upon the death of a member, his organization commander shall accomplish the notification prescribed in subdivision (i) of this subparagraph if he has reason to believe that the member had a spouse or child receiving civilian medical care at Government expense.

(v) If a commander learns that the status of a dependent of a member of his command receiving treatment from civilian sources has changed so that the said dependent is no longer entitled to civilian care at Government expense, he will effect the notification prescribed in subdivision (i) of this subparagraph. Additionally, the commander should advise the member that the DD Form 1173 in the possession of the ineligible dependent must be surrendered.

(vi) When the Executive Director, Office for Dependents' Medical Care, or the appropriate major oversea commander (or other commander with comparable oversea responsibility) receives notification in accordance with subdivisions (i) through (v) of this subparagraph, he will notify the contractor, civilian medical facility, civilian physician, or other sources of civilian care by any means deemed appropriate that the dependent's eligibility for medical care at Government expense terminated or will terminate on a specified date.

(f) *Charges for dependent medical care.* When the charge for the hospitalization of a spouse or child is $25 or less, the patient shall pay the charge as a direct transaction not involving the Government. In other instances, the patient shall pay the charge as prescribed under applicable circumstances below.

(1) When the entire period of hospitalization has been in other than private accommodations, the patient shall pay to the hospital the greater of subdivisions (i) or (ii) following:

(i) The first $25 if the expense incurred.

(ii) An amount determined by multiplying the number of days of hospitalization by the per diem rate of $1.75 (§ 577.65(f)(1)).

(2) If hospital care in a private room is obtained because it is required for proper care and treatment, and if the patient's attending physician so certifies, the amount of private room charges less the patient's payment set forth below will be paid by the Government. When private room charges are more costly, the patient shall be required to pay the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph and in addition 25 percent of the difference between private room charges and weighted average cost of semiprivate room charges. The weighted average cost of semiprivate room beds is based on the number of different rates for semiprivate room beds in that hospital by the number of beds at each rate combined into a sum of the products divided by the total number of beds; e.g., 20 beds @ $10 equals $200; 10 beds @ $12 equals $120; 10 beds @ $15 equals $150, for a total of $470. The weighted average cost per bed would then be calculated ($470 divided by 40 equals $11.75 weighted average cost).

NOTE: For hospitals having only private rooms, the term "weighted average cost of semiprivate room charges" is defined as 90 percent of the daily hospital charges for the room furnished the dependent or $15 per day, whichever is less.

(3) If hospital care in a private room is provided at the specific request or desire of the patient or of the sponsor, the patient shall be required to pay to the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph. In addition, when private room charges are more costly, he shall pay the difference between private room charges and weighted average cost of semiprivate room charges.

(4) Except as provided in subparagraph (2) of this paragraph, if hospital care in a private room is obtained in a hospital which has only private rooms, the patient shall be required to pay to the hospital the greater of subparagraph (1) (i) or (ii) of this paragraph, and in addition 10 percent of the daily hospital charges for the private room or the total daily hospital charges for such room, less $15 per day, whichever is the greater.

(5) If private-duty nursing care is required for proper care and treatment while receiving authorized hospital care, and if the patient's attending physician

so certifies, the patient shall pay the first $100 and 25 percent of the charges in excess of $100. The Government will pay 75 percent of the special duty nursing charges in excess of $100.

(6) All admissions to a hospital of an obstetrical patient as an inpatient for care required in direct connection with the pregnancy, including direct complications thereof, rendered during the period of pregnancy up to and including delivery and postpartum inpatient care following delivery, or immediate postpartum inpatient care for patients delivered outside the hospital, shall be considered as one admission for the purposes of determining charges to the dependent. Admission for a non-obstetrical diagnosis in the course of a pregnancy would require the patient to pay the charges for a separate admission. Patients who are delivered in a home or office will pay to the physician the first $15 of the physician's charges in connection with the delivery, if not subsequently hospitalized. If hospitalized, the charges will be in accordance with other applicable provisions of this paragraph.

(7) Patients who previously were admitted to a hospital for authorized care, who paid at least $25 of the hospital charges for that admission and who are readmitted to a civilian hospital within 14 days following discharge from the previous admission for authorized treatment of the original condition for which initially hospitalized, or direct complications thereof, will not be required to pay the first $25 of subsequent hospitalization, but will be required to pay an amount determined by multiplying the number of days of the current hospitalization by the per diem rate of $1.75 (§ 577.65(f)(1)), plus any additional charges that might be specified elsewhere herein. Hospitals will be responsible for obtaining from the patient, physician, sponsor, or other hospital(s) satisfactory evidence that the patient is entitled to the lesser charge.

(8) When an inpatient is transferred to another hospital for necessary treatment not available in the first hospital and no break in hospitalization occurs except for time in transit, it shall be considered as one admission for the purpose of payment of charges by the patient in accordance with this paragraph.

(9) When a patient is treated for injury other than as an inpatient in a hospital in accordance with paragraph (b)(1)(xii) of this section, the payments made shall be in accordance with the local schedules of allowances. Payment not to exceed a maximum of $75, except as provided for in paragraph (b)(1)(xi)(c) of this section, are also authorized for laboratory tests, pathology and radiology examinations provided they are procedures performed by or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e.g., a cast room. The patient shall pay the first $15 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee ($15) by the patient. The Government shall pay for all costs in excess of $15 as authorized in the local schedules of allowances. However, payment by the Government for laboratory tests and pathology and radiology examinations shall not exceed the $75 maximum except as provided in paragraph (b)(1)(xi)(c) of this section.

(g) *Hospitalization beyond period of 365 days.* When a spouse or child requires a period of hospitalization in excess of 365 days, the hospital located in the United States or Puerto Rico shall notify the contractor who, in turn, shall forward this notification to the Executive Director, Office for Dependents' Medical Care. Outside the United States and Puerto Rico, the major commander or other commander concerned will, to the extent possible, provide civilian hospitals with instructions for notifying the proper uniformed services authority. Notification by the hospital shall be submitted not later than 300 days after admission of the patient. Advance notice will permit arrangements to be made for proper transfer of the patient to a hospital of the uniformed services when feasible. When transfer is not feasible, continuation of care in the civilian hospital at the expense of the Government may be authorized as provided below:

(1) The Executive Director, Office for Dependents' Medical Care, or oversea commander, upon receipt of such information, shall notify the Surgeon General of the uniformed services of which the sponsor is a member. The Surgeon General of the uniformed service concerned shall determine the feasibility of moving the patient to an appropriate facility of the uniformed services or other disposition as may be indicated prior to the expiration of the 365 days of authorized care. If transfer of the patient is not feasible continuation of civilian hospital care beyond 365 days may be approved by the Surgeon General concerned for an initial period of not more than 90 days. If required, 90-day extensions may be granted. Specific approval for extension must be obtained from the Surgeon General concerned prior to the end of each such period.

(2) Transportation for the spouse or child from the civilian hospital to a uniformed services medical facility is authorized at Government expense. Transfer will be accomplished by Government transportation when available. Upon written authority of the commander or director of the uniformed services medical facility nearest the locale of the patient, movement may be accomplished via aeromedical evacuation aircraft of the Military Air Transport Service (MATS) or other military aircraft, as appropriate, in accordance with the applicable procedures of MATS or theater air commander. In instances when transfer is necessary and Government transportation is not available, transportation by commercial means is authorized at Government expense except that use of a civilian ambulance is limited to movement of the patient from the civilian hospital to the primary means of transport.

(h) *Government liability for payment of civilian medical care costs.* (1) As prescribed in § 577.63, the uniformed services shall provide eligible dependents with means of identification. When sources of civilian care exercise reasonable care and precaution in identifying persons claiming to be eligible dependents (§ 577.63(a)(3)) and furnish authorized care to those persons in good faith, payment is authorized. When medical care has been provided in good faith by the source of civilian medical care and it is subsequently determined that the persons concerned were not in fact entitled to medical care at Government expense under the Dependents' Medical Care Act, collection and other legal action shall be taken only against the sponsor, guardian, or individual who was not entitled to the medical care. Collection action in individual cases will be the responsibility of the uniformed service whose appropriations reimbursed the executive agent or whose appropriations were used in payments made on behalf of persons not entitled to medical care at Government expense. Where fraud is indicated, the matter may be referred to the Attorney General of the United States with recommendation for prosecution.

(2) Notwithstanding the foregoing, the Government will not be responsible for payment for care rendered to spouses and children residing with their sponsors in the United States and Puerto Rico without a Nonavailability Statement except as provided in § 577.64(d)(1)(iv). Where representations are made by the source of civilian medical care that it was not aware of the requirement for a Nonavailability Statement and that it furnished care authorized under §§ 577.60–577.68 to a spouse or child possessing a valid DD Form 1173, and efforts by the physician or hospital to obtain a Nonavailability Statement through the sponsor or dependent had failed (§ 577.64(d)(1)(vi)), the matter will be brought to the attention of the Executive Director, Office for Dependents' Medical Care. The uniformed service concerned will be notified and the matter will be brought to the attention of the service member as an unpaid debt. In special circumstances where the source of civilian care shows that collection has not been possible, the Contracting Officer, Office for Dependents' Medical Care, may authorize payment provided the claim covers care authorized under §§ 577.60–577.68 and was otherwise in accordance with all requirements except those concerning a Nonavailability Statement.

(3) The Contracting Officer, Office for Dependents' Medical Care, or appropriate oversea commander, may authorize certain claims for payment where the procedures in § 577.63 (a)(3) and (b) have not been followed if it is established that authorized care was furnished to an eligible dependent. The Secretary of each uniformed service, or his designee, will, upon request of the Contracting Officer, Office for Dependents' Medical Care, make a determination of eligibility

of the patient and inform the Contracting Officer thereof in writing.

§ 577.68 Medical care in miscellaneous circumstances.

(a) When spouses and children receive medical care authorized by §§ 577.60–577.68 on an emergency basis in a medical facility which is not included in the definition of a hospital as provided for in § 577.67(c) (1) (i) or is not a uniformed services medical facility, the patient should pay the charges listed in § 577.67 (f) as applicable and the Government will pay the difference between the amount payable by the patient and reimbursable cost. Payments by the Government for such care rendered in Federal medical facilities other than those of a uniformed service will be on a reimbursement basis between the Executive Director, Office for Dependents' Medical Care, and the department or agency concerned if the care was provided in the United States or Puerto Rico. If care is provided in a Federal medical facility other than that of a uniformed service outside the United States and Puerto Rico, reimbursement will be effected between the agency or department furnishing the care and the department of which the sponsor is a member.

(b) When spouses and children receive medical care authorized by §§ 577.60–577.68 in the medical facilities of a foreign government, reimbursement will be as follows:

(1) Except as indicated in subparagraph (2) of this paragraph, the patient shall pay the charges listed in § 577.67(f) and the difference between the total bill and the amount paid by the dependent will be paid by the United States Government.

(2) In instances where a reciprocal agreement between a foreign government and the United States is in effect which provides for no charge or a lesser charge to the patient than those listed in § 577.67(f), the charges, if any, prescribed in the reciprocal agreement will prevail.

R. V. LEE,
Major General, U. S. Army,
The Adjutant General.

[F.R. Doc. 60–734; Filed, Jan. 25, 1960; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter 1—Veterans Administration

PART 3—VETERANS' CLAIMS

Recognition of Service in Women's Army Auxiliary Corps (WAAC), as Active Military Service for Persons Who Subsequently Performed Service in the Armed Forces

Part 3, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding a new § 3.1540 as follows:

§ 3.1540 Title 38, United States Code 106a, as modified by Public Law 86–142; recognition of service in the Women's Army Auxiliary Corps (WAAC) as active military service for persons who subsequently performed service in the Armed Forces.

(a) *Provisions of the law*—(1) Section 1 of the law adds the following to Title 10, United States Code:

1038. Service Credit: certain service in Women's Army Auxiliary Corps.

In computing years of active service of any female member of the armed forces, there shall be credited for all purposes, except the right to promotion, in addition to any other service that may be credited, all active service performed in the Women's Army Auxiliary Corps after May 13, 1942, and before September 30, 1943, if that member performed active service in the armed forces after September 29, 1943. Service as an officer in the Women's Army Auxiliary Corps shall be credited as active service in the status of a commissioned officer, and service as an enrolled member of the Corps shall be credited as active service in the status of an enlisted member.

(2) Section 2 provides:

A person entitled to pension or compensation under any law administered by the Veterans' Administration, based upon the active service described in section 1 of this Act, may elect within one year after the enactment of this Act to receive that pension or compensation in lieu of any compensation under the Federal Employees' Compensation Act, as amended (5 U.S.C. 751 et seq.), to which that person is entitled on the basis of the same service. Such an election is irrevocable and does not entitle that person to the pension or compensation for any period before the date the election is made.

(3) Section 3 states:

No person is entitled to back pay or allowances because of any service credited under section 1 of this Act.

(b) *Effect of the act*—(1) *General.* For service in the Women's Army Auxiliary Corps after May 13, 1942, and before September 30, 1943, to be considered active service for benefits administered by the Veterans Administration because of active service in the Armed Forces subsequent to September 29, 1943, the period of active service in the Women's Army Auxiliary Corps must have been terminated by release or discharge under conditions other than dishonorable. Only "active service in the armed forces after September 29, 1943," that was terminated under conditions other than dishonorable will qualify a period of Women's Army Auxiliary Corps service as active service for Veterans Administration benefits. There is no requirement that the qualifying, subsequent active service be consecutive with or proximate to the Auxiliary Corps service or that it be during a defined war period. This act does not limit benefits provided former members of the Women's Army Auxiliary Corps under any other law.

(2) *Pensions.* An individual who performs active service in the Armed Forces after September 29, 1943, may be credited in addition with active service performed in the Women's Army Auxiliary Corps after May 13, 1942, and before September 30, 1943, for purposes of pension eligibility; requirements of active service for a total of 90 days or more can be composed of two or more periods of service in World War II, e.g., Women's Army Auxiliary Corps service combined with Women's Army Corps or other active service in the Armed Forces. Moreover, 90 or more days service in Women's Army Auxiliary Corps becomes active service for pension, where there is later active service even outside a war period.

(3) *Compensation.* An individual with disability incurred in or aggravated by service in the Women's Army Auxiliary Corps with subsequent qualifying active service in the Armed Forces is entitled to disability compensation on the same basis as any other person with a disability resulting from disease or injury in active service.

(c) *Elections*—(1) *Persons receiving federal employees' compensation based on Women's Army Auxiliary Corps service on date of enactment (August 7, 1959).* The limitation on the time in which an election to receive Veterans Administration compensation or pension must be made that is contained in section 2 of this act is interpreted to have application only to persons receiving federal employees' compensation based on Women's Army Auxiliary Corps service on the effective date of this law (Aug. 7, 1959).

(2) *Persons not receiving federal employees' compensation based on Women's Army Auxiliary Corps service on August 7, 1959.* Current law prohibits concurrent payment of federal employees' compensation based on Women's Army Auxiliary Corps service and Veterans Administration compensation or pension based on any period of service.

(3) *Effects of election.* Since a veteran's election or the election of a surviving dependent to receive Veterans Administration compensation or pension instead of compensation under the Federal Employees' Compensation Act is final and re-election is prohibited, every claim considered under this act should first be considered for compensation or pension entitlement. Then the veteran or dependent should be notified of the potential Veterans Administration compensation or pension and the effects of an election to receive the Veterans Administration benefit. A binding election is made only after the beneficiary has been properly informed of her entitlement to compensation or pension and her right to elect between the benefits from the Veterans Administration and compensation under the Federal Employees' Compensation Act; moreover, she must be aware of the finality of the election. Care should be exercised to assure that information supplied will be sufficient to insure a valid, irrevocable election.

(d) *Effective dates.* Since Public Law 86–142 creates a new basis for eligibility, veterans in the prescribed category must file claim for benefits. The effective date of an award of compensation or pension under this law shall be the date of en-

actment, August 7, 1959, the date of claim, the date evidence shows entitlement or the date of receipt of election to receive Veterans Administration payments, whichever is the later. If award is effective the date of receipt of election it will be subject to offset of any payments made by the Bureau of Employees' Compensation over the same period (Instruction 1, Public Law 86-142).

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective January 26, 1960.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60-770; Filed, Jan. 25, 1960; 8:55 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Part 1-6 is added to the part table of contents to read as set forth below:

1-6 Foreign purchases.

PART 1-6—FOREIGN PURCHASES

Subpart 1-6.2—Buy American Act—Construction Contracts

1. The table of contents is amended to renumber the present § 1-6.202-3 *Noting exceptions and findings,* as § 1-6.202-4; and to add a new § 1-6.202-3 *Panamanian material used in Canal Zone.* The table of contents is revised to read as follows:

Sec.
1-6.200 Scope.
1-6.201 Definitions.
1-6.202 Buy American policy.
1-6.202-1 General.
1-6.202-2 Determining domestic construction material.
1-6.202-3 Panamanian material used in Canal Zone.
1-6.202-4 Noting exceptions and findings.
1-6.203 Unreasonable cost determination.
1-6.203-1 General.
1-6.203-2 Cost computation.
1-6.203-3 Deviations by agency head.
1-6.203-4 Small business.
1-6.204 Invitation provision.
1-6.205 Contract clause.
1-6.206 Violations.

2. Section 1-6.201(f) is revised to read as follows:

§ 1-6.201 Definitions.

* * * * *

(f) "United States" means the States, the District of Columbia, Puerto Rico, American Samoa, the Canal Zone, the Virgin Islands, and any other place subject to its jurisdiction.

3. Section 1-6.202-3 is renumbered 1-6.202-4, and a new § 1-6.202-3 is added as follows:

§ 1-6.202-3 Panamanian material used in Canal Zone.

Construction material mined, produced, or manufactured in the Republic of Panama, when purchased for use in the Canal Zone, is exempted from the provisions of the Buy American Act (under item 3 of the Memorandum of Understandings Reached ancillary to the Treaty of Mutual Understanding and Cooperation between the United States of America and the Republic of Panama, signed January 25, 1955).

PART 1-7—CONTRACT CLAUSES

1. The table of contents is amended to add a new Subpart 1-7.6, Fixed-Price Construction Contracts. The table of contents is revised to read as follows:

Sec.
1-7.000 Scope of part.

Subpart 1-7.1—Fixed-Price Supply Contracts

1-7.100 Scope of subpart.
1-7.101 Clauses.
1-7.101-1 Definitions.
1-7.101-2 Changes.
1-7.101-3 Extras.
1-7.101-4 Variation in quantity.
1-7.101-5 Inspection.
1-7.101-6 Responsibility for supplies.
1-7.101-7 Payments.
1-7.101-8 Assignment of claims.
1-7.101-9 Additional bond security.
1-7.101-10 Examination of records.
1-7.101-11 Default.
1-7.101-12 Disputes.
1-7.101-13 Notice and assistance regarding patent infringement.
1-7.101-14 Buy American Act.
1-7.101-15 Convict labor.
1-7.101-16 Eight-hour law of 1912—overtime compensation.
1-7.101-17 Walsh-Healey Public Contracts Act.
1-7.101-18 Nondiscrimination in employment.
1-7.101-19 Officials not to benefit.
1-7.101-20 Convenant against contingent fees.
1-7.101-21 Utilization of small business concerns.
1-7.101-22 Federal, State, and local taxes.
1-7.101-23 Liquidated damages.

Subpart 1-7.2—[Reserved]
Subpart 1-7.3—[Reserved]
Subpart 1-7.4—[Reserved]
Subpart 1-7.5—[Reserved]

Subpart 1-7.6—Fixed-Price Construction Contracts

1-7.600 Scope of subpart.
1-7.601 Required clauses.
1-7.601-1 Clauses in standard construction contract forms.
1-7.602 Additional standardized clauses.
1-7.602-1 Price adjustment for suspension, delay, or interruption of the work.

2. A new Subpart 1-7.6 is added as follows:

Subpart 1-7.6—Fixed-Price Construction Contracts

§ 1-7.600 Scope of subpart.

This subpart sets forth contract clauses for use in fixed-price construction contracts.

§ 1-7.601 Required clauses.

§ 1-7.601-1 Clauses in standard construction contract forms.

Subpart 1-16.4 prescribes standard forms for construction contracts which contain clauses required for use in accordance with said subpart.

§ 1-7.602 Additional standardized clauses.

§ 1-7.602-1 Price adjustment for suspension, delay, or interruption of the work.

The following clause shall be inserted in fixed-price construction contracts whenever it is desired to provide for suspension of the work for the convenience of the Government and/or to provide for administrative relief for unreasonable periods of delay caused by the contracting officer in the administration of the contract:

PRICE ADJUSTMENT FOR SUSPENSION, DELAY, OR INTERRUPTION OF THE WORK

(a) The Contracting Officer may order the Contractor in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If, without the fault or negligence of the Contractor, the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of the contract, or by his failure to act within the time specified in the contract (or if no time is specified, within a reasonable time), an adjustment shall be made by the Contracting Officer for any increase in the cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, delay, or interruption, and the contract shall be modified in writing accordingly. No adjustment shall be made to the extent that performance by the Contractor would have been prevented by other causes even if the work had not been so suspended, delayed, or interrupted. No claim under this clause shall be allowed (i) for any costs incurred more than twenty days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply where a suspension order has issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final settlement of the contract. Any dispute concerning a question of fact arising under this clause shall be subject to the Disputes clause.

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.2—Forms for Negotiated Supply Contracts

Section 1-16.201-5 is revised to read as follows:

§ 1-16.201-5 Reproduction and availability of forms.

Standard Form 18 is available from GSA stores depots. Special printings of the form to omit the vertical lines (for listing of supplies and services, unit, etc.) is authorized. Also, the use of reproducible masters, and make-up in carbon-interleaved pads or sets, is authorized.

Effective dates. (a) Effective immediately are the revisions to Parts 1-6 and 1-16.

(b) Effective July 1, 1960, is the new Subpart 1–7.6.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: January 20, 1960.

FRANKLIN FLOETE,
Administrator of General Services.

[F.R. Doc. 60–735; Filed, Jan. 25, 1960; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER G—EXCHANGES

[Circular 2036]

PART 149—EXCHANGES FOR CONSOLIDATION OR EXTENSIONS OF INDIAN RESERVATIONS OR INDIAN HOLDINGS

In page 8078 of the FEDERAL REGISTER of October 6, 1959, there was published a notice and text of a proposed amendment of §§ 149.1 to 149.24 of Title 43, Code of Federal Regulations. The purpose is to issue regulations consolidating and simplifying the existing regulations governing exchanges of lands for consolidation or extensions of Indian reservations and Indian holdings.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

ELMER F. BENNETT,
Acting Secretary of the Interior.

JANUARY 20, 1960.

Part 149 is completely revised to read as follows:

GENERAL PROVISIONS

EXECUTIVE ORDER RESERVATIONS

SAN JUAN, MCKINLEY, AND VALENCIA COUNTIES, NEW MEXICO

WALAPAI INDIAN RESERVATION, ARIZONA

APACHE, CONCONINO, AND NAVAJO COUNTIES, ARIZONA

PAPAGO INDIAN RESERVATION, ARIZONA

NAVAJO INDIAN RESERVATION, UTAH

PUEBLO AND CANONCITO NAVAJO, NEW MEXICO

AUTHORITY: §§ 149.1 to 149.8 issued under the authority cited for the sections which follows. Sections 149.9 to 149.10 issued under sec. 1, 33 Stat. 211, 43 U.S.C. 149; §§ 149.11 to 149.12 under sec. 13, 41 Stat. 1239, §§ 149.13 to 149.14 under 43 Stat. 954; §§ 149.15 to 149.18 under sec. 2, 48 Stat. 961; §§ 149.19 to 149.20 under 50 Stat. 536, 25 U.S.C. 463a–463c; §§ 149.21 to 149.22 under 47 Stat. 1418, 43 U.S.C. 190a; and §§ 149.23 to 149.24 under sec. 2, 63 Stat. 604, 25 U.S.C. 621.

CROSS REFERENCE: For exchanges by States, under the Taylor Grazing Act, see Part 147, this chapter. For exchanges for migratory bird or other wild life refuges, see Part 151 of this chapter. For exchanges for the benefit of particular States, see Part 152 of this chapter. For exchanges for the consolidation or extension of national forests, see Part 148, of this chapter. For exchanges of privately owned lands, under the Taylor Grazing Act, see Part 146 of this chapter. For exchanges to elimnate private holdings from national parks and national monuments, see Part 150 of this chapter. For Indian allotments and possessions, see Part 176 of this chapter. For land classifications, see Part 296 of this chapter. For Surveys, see Part 280 of this chapter. For Bureau of Indian Affairs, Department of the Interior, see Indians, 25 CFR Chapter I.

GENERAL PROVISIONS

§ 149.1 Applications.

(a) Applicants for exchange must file, in triplicate, in the appropriate office of the Bureau of Land Management an application on Form 4–1493,[1] executed in accordance with the instructions on the form. Such applications must be filed in the proper land office, or for land in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that applications for lands in North Dakota or South Dakota, must be filed in the land office at Billings, Montana; for lands in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands in Oklahoma in the land office at Santa Fe, New Mexico.

(b) Valid applications will segregate the selected lands on the records of the Bureau of Land Management.

(c) An application may be rejected at any time prior to the issuance of patent. In the event that the applicant had submitted deed and title evidence in connection with a rejected exchange, the evidence of title will be returned to the applicant and, if the deed was recorded, a quitclaim deed for the land conveyed to the United States will be issued under section 6 of the act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872).

§ 149.2 Deed to the United States.

(a) Owners of private lands will be required to submit a warranty deed of conveyance of the offered land to the United States, properly executed, acknowledged, and recorded in accordance with the laws of the State in which the lands are situated. Revenue stamps required by Federal and State law must be affixed to the deed and canceled. A deed executed by an individual grantor must disclose his marital status. If married, the spouse of the grantor must join in the execution of the deed to bar any right of courtesy, dower, community interest or any other claim to the land conveyed, or it must be fully shown that under the laws of the State in which the conveyed land is situated, the grantor's spouse has no interest present or prospective in the land. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of its board of directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

(b) States will be required to submit a deed of conveyance of the offered land to the United States properly executed, acknowledged, and duly recorded in accordance with the laws of the State making the exchange, together with a certificate of the proper State officer showing that the officer executing the conveyance was authorized to do so under the State law.

(c) Holders of unperfected claims and Indian trust patents will not be required to submit a deed of conveyance. In lieu thereof, they will be required to submit a relinquishment of the claim or trust patent to the United States, witnessed by two persons or before a notary public or other official with a seal. The relinquishment must contain a statement that the applicant has not sold, assigned, mortgaged, or contracted to sell, assign, or mortgage the land covered by the unperfected claim or relinquished allotment.

(d) All deeds and relinquishments must state that they were made "for and in consideration of the exchange of certain lands, as authorized by" the appropriate act of the Congress.

(e) Where appropriate, the deed shall recite that the conveyance is made to the United States, "as grantee in trust" for the appropriate Indian tribe or group.

§ 149.3 Evidence of title.

(a) Owners of private lands offered in exchange must submit a policy of title insurance, a certificate of title, or an abstract of title as evidence of title to the offered lands. (1) Consummation of an exchange is expedited by applicant's submission, as evidence of title to the offered land, of a policy of title insurance in the form approved by the Department of the Interior, Form 4–1202, or a certificate of title, issued by a qualified title insurance company which is acceptable to the Department of the In-

[1] Filed as part of the notice of proposed rule making document, F.R. Doc. 59–8365.

terior. Such evidence of title is therefore preferred. However, an abstract of title is also acceptable. The evidence of title must show and certify that title to the offered land has vested in the United States free and clear of all liens, encumbrances and assessments which may operate as liens, as of the date of recordation of the deed to the United States. (2) A policy of title insurance or a certificate of title must be issued by a title insurance company authorized by law to issue such policies or certificates, and other evidence of title, if furnished, must be prepared and authenticated by an abstractor or abstract company or by the recorder of deeds or other proper officer of the State under his official seal.

(b) States must submit satisfactory evidence of title to the offered lands. (1) If the offered lands were ever held in private ownership, the State must submit a policy of title insurance, certificate of title, or an abstract of title as prescribed in paragraph (a) of this section. (2) If the offered lands were never held in private ownership the State must submit a certificate of the proper State officer showing that the offered lands had not been sold or otherwise encumbered by the State and a certificate by the recorder of deeds or other proper officer under his official seal or by an abstracter or abstract company that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file.

(c) Holders of unperfected claims and Indian trust patents must file a certificate of the recorder of deeds or other proper officer under his official seal or by an abstracter or abstract company that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file.

§ 149.4 Taxes.

In case taxes which have been assessed or levied on the offered lands constitute liens against the lands although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the land for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes is furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him.

§ 149.5 Publication; protests.

(a) Applicants for exchange will be required upon demand to publish once a week for five consecutive weeks in accordance with § 106.14 of this chapter, in a designated newspaper and in a designated form, and at their own expense, a notice allowing all persons claiming the land adversely to file in the appropriate office their objections to the issuance of patent under the applications. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(b) Applicants must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 149.6 Unperfected claims.

Patents will not issue for the selected lands when the offered lands are embraced in unperfected claims until the applicant complies with all the requirements of the law and regulations under which the unperfected claims have been held. The applicant will be credited with all acts of compliance whether earned in connection with the offered lands or selected lands or both.

§ 149.7 Removal of improvements.

When any buildings, fencing, or other movable improvements owned or erected by an applicant on the land relinquished or conveyed are not a part of the offer to relinquish or convey, the applicant may remove such improvements from the land upon receipt of notice that the exchange has been approved: *Provided,* That such removal is accomplished within 90 days from receipt by him of said notice.

§ 149.8 Appeals.

An appeal pursuant to the rules of practice, Part 221 of this chapter, may be taken from the decision of any officer of the Bureau of Land Management.

Executive Order Reservations

§ 149.9 Statutory authority.

The act of April 21, 1904 (33 Stat. 211; 43 U.S.C. 149), authorizes the Secretary of the Interior to exchange any unreserved, nonmineral, nontimbered, surveyed public lands located in the same State or Territory as the offered lands for any privately owned lands over which an Indian reservation has been extended by executive order.

§ 149.10 Criteria for approval of exchanges.

Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(a) The selected and offered lands are approximately equal in value and in area.

(b) The selected lands are suitable for disposal through exchange and are not needed for any other program or disposal.

(c) The offerd lands are needed for the use of the Indians.

(d) The applicant pays all costs of consummating the exchange.

San Juan, McKinley, and Valencia Counties, New Mexico

§ 149.11 Statutory authority.

Section 13 of the act of March 3, 1921 (41 Stat. 1239), authorizes the Secretary of the Interior to exchange any vacant, surveyed public lands, including any lands reconveyed under this act, in San Juan, McKinley, and Valencia Counties, New Mexico, for any privately owned lands, State school lands (except those granted by the act of January 25, 1927, 44 Stat. 1026, as amended by the act of April 22, 1954, 68 Stat. 57, 43 U.S.C. 870), and lands covered by valid unperfected claims, and by Indian allotments and Indian allotment selections in such counties.

§ 149.12 Criteria for approval of exchanges.

Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(a) The selected and offered lands are approximately equal in value.

(b) The selected lands are suitable for disposal through exchange and are not needed for any other program or disposal.

(c) The exchange would serve to consolidate the holdings of the proponent.

(d) The proponent owns land in the township in which the selected lands are located.

Walapai Indian Reservation, Arizona

§ 149.13 Statutory authority.

The act of February 20, 1925 (43 Stat. 954), authorizes the Secretary of the Interior to exchange any Indian lands within the Walapai Indian Reservation for any privately owned lands, State school lands, and lands covered by valid unperfected claims within the boundaries of said reservation in Mohave and Coconino Counties, Arizona.

§ 149.14 Criteria for approval of exchanges.

Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(a) The selected and offered lands are approximately equal in value.

(b) The selected lands are excess to the needs of the Indians.

(c) The offered lands are needed for the use of the Indians and would serve to consolidate Indian holdings.

Apache, Coconino, and Navajo Counties, Arizona

§ 149.15 Statutory authority.

Section 2 of the act of June 14, 1934 (48 Stat. 961), as supplemented by the act of May 9, 1938 (52 Stat. 300) authorizes the Secretary of the Interior to exchange (a) any vacant, nonmineral, surveyed public lands in Apache, Navajo, and Coconino Counties, Arizona, for any privately owned lands in Apache and Coconino Counties and in that portion of Navajo County north of the townships line between Townships 20 North and 21 North, Gila and Salt River Meridian, and (b) any available lands within the reservation described in the abovementioned act of 1934 for any lands covered by Indian allotments and Indian allotment selections in the three mentioned counties.

§ 149.16 Springs and other living waters; minerals.

(a) Applicants may select public lands containing springs or other living waters only if the offered lands contain similar waters.

(b) If an applicant reserves oil, gas, and other minerals in the offered lands, a like reservation will be made in the selected lands.

§ 149.17 Criteria for approval of exchanges.

Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(a) The selected and offered lands are approximately equal in value.

(b) The selected lands are suitable for disposal through exchange and are not needed for any other program or disposal.

(c) The offered lands are needed for the use of the Indians.

§ 149.18 Selections by State in lieu of school lands in reservation.

Selections by the State of Arizona in lieu of school lands within the boundary of the Navajo Reservation as defined by section 1 of the act of June 14, 1934 (48 Stat. 961), will be made in accordance with the regulations governing the selection of lands by States contained in §§ 270.1 to 270.16 of this chapter, insofar as they apply to indemnity school land selections, and will also be subject to all other existing regulations pertaining to such selections except that no fees or commissions are required, and the offered and selected lands need not be of equal area as in ordinary indemnity school land selections but need only be approximately equal in value.

PAPAGO INDIAN RESERVATION, ARIZONA

§ 149.19 Statutory authority.

The act of July 8, 1937 (50 Stat. 536; 25 U.S.C. 463a–463c) authorizes the Secretary of the Interior to exchange any unreserved nonmineral public lands in Arizona for any State owned lands within the area added by the act to the Papago Indian Reservation.

§ 149.20 Applicable regulations.

The State of Arizona will comply with the provisions of §§ 270.1 to 270.16 of this chapter, insofar as they apply to State indemnity selections, or with the provisions of Part 147 of this chapter, except that (a) all transactions will be made on an equal acreage basis and (b) the State will not be required to pay any fees or commissions.

NAVAJO INDIAN RESERVATION, UTAH

§ 149.21 Statutory authority.

The act of March 1, 1933 (47 Stat. 1418; 43 U.S.C. 190a), authorizes the Secretary of the Interior to exchange any surveyed, unreserved, nonmineral public lands in the State of Utah for any State school sections within the area added to the Navajo Indian Reservation by the act.

§ 149.22 Applicable regulations.

The State of Utah will comply with the provisions of §§ 270.1 to 270.16 of this chapter, insofar as they apply to State indemnity selections, except that (a) the offered and selected lands must be of approximately equal value in addition to being of equal acreage and (b) the State will not be required to pay any fees or commissions.

PUEBLO AND CANONCITO NAVAJO, NEW MEXICO

§ 149.23 Statutory authority.

Section 2 of the act of August 13, 1949 (63 Stat. 604; 25 U.S.C. 621), authorizes the Secretary of the Interior to exchange any unreserved public lands or interests therein, including improvements and water rights, in the State of New Mexico for any privately owned or State owned lands or interests therein, including improvements and water rights, situated within the area described in section 1 of the notice dated March 25, 1950 (15 F.R. 1852).

§ 149.24 Criteria for approval of exchanges.

Subject to compliance with the regulations in this part, proposed exchanges will be approved if:

(a) The selected lands or interests are approximately equal in value to the offered lands or interests.

(b) The selected lands or interests are suitable for disposal through exchange and are not needed for any other program or disposal.

(c) The offered lands or interests are needed for the use of the Indians.

(d) The tribal authorities of the Pueblo or Navajo Tribe involved give their consent to the exchange.

[F.R. Doc. 60–737; Filed, Jan. 25, 1960; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

[Docket No. AO–23–A19]

MILK IN GREATER KANSAS CITY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Kansas City, Missouri, on November 5, 1959 pursuant to notice thereof issued on October 27, 1959 (24 F.R. 8905).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on January 5, 1960 (25 F.R. 149) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Kansas City, Missouri, on November 5, 1959, pursuant to notice thereof which was issued October 27, 1959 (24 F.R. 8905).

The material issues on the record of the hearing relate to:

1. Need for emergency suspension of a portion of the supply-demand adjustment to the Class I price.

2. Revision of the supply-demand adjustment to the Class I price.

3. Standards for qualifying a supply plant as a pool plant.

With respect to issue number one, an order was issued on November 12, 1959, by the Acting Secretary, suspending one step in the cumulative rate of the supply-demand adjustment (§ 913.51(a)(3)(iii)) for an indefinite period (24 F.R. 9303).

Findings and conclusions. The following findings and conclusions, on material issues number 2 and 3, are based on evidence presented at the hearing and the record thereof:

2. *Supply-demand adjustment.* It is evident from the data of record that considerable changes are taking place in the seasonal pattern of production in the market. These production changes have also resulted in a shift in the seasonality of the utilization percentages. The ratio of supplies to sales has been decreasing in the early months of the year relative to the fall and early winter months.

In the recommended decision, it was proposed that the seasonal changes in the standard utilization percentages be continuously adjusted to reflect a most recent two years of seasonality in the market. Exceptions filed by interested parties emphasized the fact that this technique is quite complicated. Although the general problem of seasonal changes in the market was considered in detail at the hearing, the specific device contained in the recommended decision was not specifically reviewd.

It is concluded that in these circumstances it is preferable to revise the table of standard utilization percentages which are specified in § 913.51(a)(2)(iii). The table has been adjusted to reflect the actual utilization percentages which have prevailed in the market during the most recent 24-month period. These actual percentages have been adjusted to an annual average of 134.4 which is the same as is contained in the present table. The range within which no adjustment is made has been widened uniformly to 8 points, in line with the revision made in the recommended decision.

A supply-demand adjustment which would eliminate the seasonality problem was also considered at the hearing. It would compare utilization during the most recently available 12 months preceding the pricing month with a stand-

ard of 135 percent. However, in a market where supply-demand relationships change as rapidly as they do in Kansas City, a 12-month lag in the adjustment is not appropriate.

The rate of the supply-demand change in the Class I price per point of indicated oversupply or undersupply should not be changed. The present rate of adjustment is one-cent per point in the first month there is an indication of oversupply or undersupply. It then cumulates for three months to the extent that indication of oversupply or undersupply persists.

In a market like Kansas City where output of milk is comparatively variable, it is appropriate that price action be limited at first but be substantial if a change in utilization persists.

A third proposed revision of the supply-demand adjustment would include in the current utilization percentages the sales made by partially regulated handlers within the Greater Kansas City marketing area. At present, neither these sales nor the regular supply associated with them are included in either the standard or current utilization percentages. The supply-demand data include only the gross Class I use by pooled handlers and the receipts of producer milk. This comparison reveals the extent to which the receipts from the producers regularly associated with the market by delivery to pool plants are adequate to supply the Class I sales made from such plants.

The Class I sales made in the market by the operators of nonpool plants do not represent a regular demand for producer milk. The unregulated handlers may, in practice, purchase some of their supplementary supplies of producer milk from the Kansas City market. To the extent that such sales are allocated to Class I under the Kansas City order, they would be reflected in the current utilization percentages.

It is concluded that the in-area sales by operators of nonpool plants should not be included in the computation of the current utilization percentages of the supply-demand adjustment. They do not constitute part of the regular demand for producer milk, such quantities of producer milk as are supplied to nonpool handlers and are allocated to Class I are already properly included in the supply-demand computation, and no proposal was made for changing the standard utilization percentages in line with the proposed change in the current utilization percentages.

A change in the time at which the supply-demand adjustment for a given month is announced was considered at the hearing. This, in turn, depends on the months used in computing the current utilization percentage. At present the adjustment for any given month (e.g. December) is based on receipts and sales for the first and second preceding months (October and November). The data for the first preceding month (November) are not available until near the middle of the pricing month, following the submission of reports and computation of a uniform price. More timely announcement of this important variable in the Class I price would enable both producers and handlers to plan their responses. It is concluded that the adjustment for any given month (e.g. December) should be based on supply-sales relationships during the second and third preceding months (September and October). Corresponding changes should be made in the computation of the standard utilization percentages.

3. *Pool plants.* A plant which qualifies as a pool plant by being operated as a cooperative association standby facility for the months of August and September 1959 and as a supply plant for the months of October, November, and December 1959 should remain qualified through July 1960 without meeting further performance requirements.

A proposal to accomplish this was submitted on behalf of a Grade A receiving facility at Valley Falls, Kansas, presently operated by the Sunflower-Tip Top Dairies, Inc., a cooperative association of producers. This plant has been associated with the Topeka and Greater Kansas City markets continuously since October 1956. (The orders were merged, effective October 1, 1957.) It was qualified as a supply plant by shipping the specified quantities of milk to distributing plants during the fall months of 1956. From July 1957 through September 1959, the plant was qualified as a cooperative standby plant under § 913.10(c). During this period the plant was operated, under a lease agreement, by a cooperative association representing most of the producers shipping to plants in the Topeka portion of the market.

The lease agreement was terminated effective October 1, 1959. Thereupon, Sunflower-Tip Top has resumed its former status as reporting handler and has qualified the plant as a supply pool plant for the month of October under § 913.10(b).

If the plant had been qualified as a supply pool plant in August and September and continued to qualify in each of the following months through December, it could remain qualified as a pool plant through July 1960 without further shipments to distributing plants. The Grade A dairymen supplying the plant would continue to participate in the market-wide pool.

In view of the long period of continuous association with the market by this plant and this group of producers and the demonstrated ability of the handler to readjust the operation during October, it is concluded that the facility and producers should remain pooled during January through July 1960, if it continues to qualify as a pool plant in November and December 1959.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached

order amending the order regulating the handling of milk in the Greater Kansas City marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of January 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, is is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 913.10 [Amendment]

1. In § 913.10 redesignate paragraph "(d)" as "(e)" and insert a new paragraph (d) to read as follows:

(d) Which qualified as a pool plant under paragraph (c) of this section for August and September and qualified under paragraph (b) of this section for October, November and December 1959. Such an approved plant shall be a pool plant for each of the following months of January through July 1960.

§ 913.51 [Amendment]

2a. In § 913.51(a)(2)(iii), revise the tabulation to read as follows:

Delivery period for which price applies	Delivery period used in computation	Percentages	
		Minimum	Maximum
January	October-November	132	140
February	November-December	133	141
March	December-January	131	139
April	January-February	126	134
May	February-March	124	132
June	March-April	128	136
July	April-May	138	146
August	May-June	143	151
September	June-July	134	142
October	July-August	128	136
November	August-September	124	132
December	September-October	124	132

b. Revise § 913.51(a)(3) to read as follows:

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent times each such percentage point of net deviation; plus

(ii) One cent times the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

[F.R. Doc. 60-744; Filed, Jan. 25, 1960; 8:50 a.m.]

[7 CFR Part 927]

[Docket No. AO-71-A39]

MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Newark, New Jersey, on October 27, 1959, pursuant to notice thereof issued on October 2, 1959 (24 F.R. 8184).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 23, 1959 (24 F.R. 10912), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record relate to:

1. The rates of nearby differentials;
2. The defined territory for location of plants eligible for designation as "regular" pool plants; and
3. The classification of ice milk mix and milk shake base mix disposed of in the Connecticut marketing area.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 1. The order should be amended by providing (in § 927.71 (b)(6)) for a reduction in the rates of nearby differentials otherwise applicable of 10 percent for each full percentage point by which, in the preceding 12 months, the total quantity of milk subject to the nearby differential is more than 35 percent of the total quantity of milk classified in Class I-A.

This provision should replace a current provision (§ 927.71(b)(6)) for reduction in nearby differential rates depending upon the ratio of nearby differential milk to Class I-A milk in the preceding 12 months in relation to a corresponding ratio for the 12-month period August 1957-July 1958. This current provision, however, was suspended on May 25, 1959 (24 F.R. 4303) with respect to producer payments required to be made by not later than the 25th day of each of the months of June through December 1959. Suspension of the provision was based on a finding that the reduction in rates resulting from operation of the provision was improper and not in accord with the purpose of the provision in that it reflected milk received from additional producers made eligible for the differential by amendment of the order effective September 1, 1958.

The quantity of milk received from producers made eligible by the September 1, 1958, amendment was about 158 million pounds in the 12-month period September 1958–August 1959. The addition of this quantity of milk to the quantity received in the August 1957–July 1958 period produces a ratio to total Class I–A volume of 0.3516. A substantially identical ratio (0.3517) is obtained by relating the volume of nearby differential milk to total Class I–A volume for the period September 1958–August 1959. Thus, it is apparent that the use of a ratio rounded to 0.352, in lieu of the ratio of 0.32332 based on relationships in the August 1957–July 1958 period, would properly recognize and adjust for the additional volume of nearby differential milk resulting from the amendment of September 1, 1958.

It was suggested at the hearing, however, that use of the proposed ratio of 0.352 would be inappropriate since it fails to reflect a shift of Order No. 27 producers to other markets, particularly of Eastern New York producers to Connecticut. The provision involved here is not designed to measure shifts of producers either to or from Order No. 27 plants except in terms of total volume of milk subject to the nearby differential. Its only purpose is to reduce the differential rates when and if the volume of nearby differential milk exceeds a specified proportion of Class I–A sales. However, for the purpose of determining what this specified limit should be, recognition of the shift of producers to Connecticut which already has occurred seems appropriate. Some measure of this shift is obtained in the fact that between July 1958 and July 1959 the number of producers from whom milk was received at plants in Dutchess, Columbia and Rensselaer Counties declined about 24 percent compared to a decline of only about 4 percent in the total number of producers during the same period. (For this fact official notice is taken of the Market Administrator's Bulletin, Volume 18, No. 7.) The impact of this factor on the volume of nearby differential milk is not susceptible of precise measurement. However, some recognition should be given to it by adjusting to a flat 0.35 the ratio otherwise calculated to be 0.352.

Exception was taken to the rounding of this ratio to 0.35 on the basis that it is improper to recognize data indicating a shift of producers to Connecticut unless recognition also is given to other data purporting to show a substantially compensating shift of producers into Order No. 27 plants in other nearby areas. Recognition of all such data on producer shifting, howevr, does not afford a precise measurement of its impact in terms of total volume of milk subject to the nearby differential. Moreover, since producer shifting probably will continue to occur, a refinement of the percentage to a point requiring expression in terms of less than one-half of a percentage point is unrealistic and unnecessary for the purpose for which it is to be used. Accordingly, such exception is overruled.

For purposes of this provision of the order the quantity of Class I–A milk used in the calculation should be the total quantity so classified including both producer milk and nonpool milk. The quantity of Class I–A milk subject to compensatory payments has increased materially since the Connecticut order became effective in April 1959. Connecticut order pool milk transferred to Order 27 pool plants is subject to compensatory payments under Order No. 27 when classified in Class I–A. This milk, together with other milk classified in Class I–A and subject to compensatory payments, displaces an equivalent quantity of producer milk in Class I–A. The total quantity of milk classified in Class I–A consequently is a more appropriate figure for use in this connection than only the quantity of producer milk in Class I–A.

Issue No. 2. Provisions of the order relating to definition of the territory within which plants eligible for designation as "regular pool plants" may be located should not be changed. The proposal in the notice of hearing for complete elimination of this definition was not supported at the hearing. Instead, a modification was proposed under which the requirements for regular pool plant status would be changed for plants located within 200 miles of Philadelphia and closer to Philadelphia than to the New York-New Jersey marketing area. Plants so located (except for those eligible as of August 1, 1957, coincident with expansion of the marketing area) are currently not eligible for designation as regular pool plants but are eligible for designation as temporary pool plants.

The modified proposal was designed only to provide regular pool plant status for a single plant located at Greencastle, Pennsylvania. This plant did not qualify for designation as a regular pool plant as of August 1, 1957, but has been in the pool as a temporary pool plant continuously since that date. The plant was an Order 27 pool plant from September 1949 until withdrawn at the operator's election in April 1956 at which time the plant became a source of supply for the Baltimore market and also shipped a portion of its supply into northern New Jersey in the April 1956–July 1957 period during which it was not a pool plant.

Proponent contends that this plant should be made eligible for regular pool plant status because of its long, though interrupted, period of serving the market and because there are other plants in the same general vicinity which currently are regular, rather than temporary, pool plants. It was contended that relief from the necessity of meeting the month-to-month performance requirements specified for temporary pool plants would promote efficiency in the operation of proponent's plants on a system basis.

The Greencastle plant is in the 211–220 mile zone under Order No. 27. It is 154 miles from Philadelphia and only about 80 miles from Baltimore and Washington, D.C. Regarding plants located in this section of Pennsylvania it was found in the decision of June 10, 1957 (22 F.R. 4194) as follows: "Plants located in this territory, as in the case of plants in Maryland and Delaware and other than those eligible to be expressly designated initially, would be expected to constitute sources of supply for local markets in that area and for Philadelphia or other markets farther south rather than for the New York-Northern New Jersey marketing area in the event of a recurrence of relatively short milk supplies generally in the Northeast. Plants in this area (except as noted) accordingly are not plants which may reasonably be expected to constitute a reserve supply for the New York-Northern New Jersey marketing area and should consequently be included in the pool only on the basis of actually supplying the marketing area with fluid milk."

In a sense, the Greencastle plant is an example demonstrating the validity of the above findings. Already, there has been a period of 16 consecutive months during which the plant was withdrawn from the pool to serve another market more advantageously located from the standpoint of distance to market. It was not shown whether or not plants other than at Greencastle would become eligible for regular pool status under the proposed change. Assuming, however, that only Greencastle would be affected, no basis is found for providing an exception to the present uniformly applicable standards.

Issue No. 3. No change should be made in the order relating to the classification of milk used in ice milk mix or milk shake base mix. Such mixes containing between 3 and 5 percent butterfat meet the definition of "flavored milk drinks" as such term is used in the order. Accordingly, milk leaving the plant at which classification is determined in the form of such a mix is classified in Class I–A when disposition is within the marketing area and in Class I–B when disposition is outside the marketing area. Class I–A and Class I–B prices are identical.

It was proposed at the hearing that milk in such mixes disposed of in the Connecticut marketing area be classified in Class III because milk so utilized is classified in Class II under provisions of the Connecticut marketing order. The Order No. 27 Class III and Connecticut Class II prices are at virtually the same level. Both prices, however, are substantially below the Order No. 27 Class I–A and Class I–B prices. Thus, it was contended by proponents that an Order No. 27 regulated handler is at a significant competitive disadvantage in marketing these mixes in Connecticut. The proposal in the notice of hearing related only to the classification of milk used in products disposed of in the Connecticut marketing area. There was no proposal relating to the classification of milk in ice milk mix or milk shake base mix disposed of in the Order No. 27 marketing area or elsewhere other than in Connecticut. It was shown, however, that ice milk is a product which may not be sold legally in the State of New York and, consequently, that the classification of milk used in ice milk mix there disposed of is immaterial as a practical matter. On the other hand, ice milk may be sold legally in Northern New Jersey. Accordingly, the question of how milk used in ice milk mix there disposed of appears to be pertinent from an operating standpoint but not to be within the scope of

the proposal in this proceeding. The record is not clear as to territory in which milk shake base mix may legally be sold.

Proponents' contention is that the proposed amendment really would have application only under certain circumstances in that, under existing provisions of the order and accounting rules and regulations, milk used in the mixes here discussed may be classified in Class III (rather than Class I) unless it leaves the plant at which classification is determined in the form of such a mix. Thus, opportunity presently exists to obtain the classification sought by the proposed amendment. Moreover, the proposal relates only to products disposed of in Connecticut and would make the classification dependent solely upon the area of disposition and the classification under provisions of another order. This does not constitute an appropriate basis for classification. The classification of milk and the class prices established should be designed primarily to reflect conditions prevailing in the marketing area.

Exceptions were taken to the preceding four sentences largely on grounds that some of the existing provisions of the order do not appear to be consistent with such statements. The existing provisions referred to, however, reflect circumstances and conditions different from those relating to the proposal here under consideration. Accordingly, such exceptions are overruled.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of October 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the New York-New Jersey milk marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., this 20th day of January 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the New York-New Jersey Milk Marketing Area

§ 927.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in conection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New York-New Jersey milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the New York-New Jersey milk marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

§ 927.71 [Amendment]

1. Amend paragraph (b) of § 927.71 by deleting subparagraph (6) thereof and substituting the following:

(6) The nearby differential rates shall be reduced 10 percent for each full percentage point by which the quantity of milk subject to the differential in the preceding 12 months exceeds 35 percent of the total quantity of Class I-A milk (both pool and nonpool) in such 12 months.

[F.R. Doc. 60-745; Filed, Jan. 25, 1960; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 954]

[Docket No. AO-153-A7]

MILK IN DULUTH-SUPERIOR MARKETING AREA

Notice of Correction of Final Decision

The "Decision on proposed amendments to tentative marketing agreement

and order" (and the tentative order attached thereto) which was issued by the Assistant Secretary of Agriculture on January 15, 1960, is hereby corrected as follows:

1. The reference (23 F.R. 9570) as it appears in the first paragraph of the decision should be (23 F.R. 9510).

2. Section 954.52 of such order should be deleted and a new § 954.52 should be included to read:

§ 954.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to § 954.51 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department, during the month multiplied by the applicable factor listed and rounded to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.13; and

(b) *Class II milk.* Multiply such price for the current month by 0.12.

Issued at Washington, D.C., this 20th day of January 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-743; Filed, Jan. 25, 1960; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 614]

[Admin. Order 530]

INDUSTRY COMMITTEE NO. 46-A

Resignation and Appointment of Employee Member

David Dubinsky of New York City, New York, has resigned as an employee representative on Committee No. 46-A. Under the authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint Louis Stulberg of New York City, New York, to serve on said Committee as an employee representative.

Signed at Washington, D.C., this 20th day of January 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F.R. Doc. 60-757; Filed, Jan. 25, 1960; 8:53 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

Oil and Gas Lease Offer; Amendment

Correction

In F.R. Doc. 60-464, appearing at page 392 of the issue for Saturday, January 16, 1960, the last designation in the first column of the last table should read "LA. 608" instead of "LA. 708."

[Classification No. 621]

CALIFORNIA

Small Tract Classification

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described public lands, totaling 2,998.56 acres in Kern County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 27 S., R. 35 E.,
Sec. 26, SW¼;
Sec. 27, SE¼NE¼, NE¼NE¼SW¼, S½N½SW¼, S½SW¼, E½SE¼, NW¼SE¼;
Sec. 34, E½NE¼, SW¼NE¼, W½NW¼, N½SW¼;
Sec. 35, NW¼.
T. 32 S., R. 35 E.,
Sec. 26, E½NE¼NE¼, SW¼NE¼NE¼, W½NE¼, SE¼NE¼, NW¼, S½SW¼, SE¼SE¼.
T. 32 S., R. 36 E.,
Sec. 10, W½;
Sec. 12, SW¼;
Sec. 14, NE¼.
T. 32 S., R. 39 E.,
Sec. 6, Lots 1 and 2 of NW¼, Lot 2 of SW¼

SAN BERNARDINO MERIDIAN

T. 11 N., R. 8 W.,
Sec. 12, N½, SW¼, N½SE¼, SW¼SE¼.
T. 9 N., R. 12 W.,
Sec. 10, N½SW¼, N½S½SW¼, E½SW¼SE¼SW¼, SE¼SE¼SW¼.
T. 11 N., R. 13 W.,
Sec. 14, SW¼SW¼.

Containing 2,998.56 acres, subdivided into 903 small tracts, of which 104 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

4. All valid applications filed prior to January 15, 1960, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5.

ROLLA E. CHANDLER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

JANUARY 15, 1960.

[F.R. Doc. 60-746; Filed, Jan. 25, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BLACK STAR LINE LTD. AND ZIM ISRAEL NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8436, between Black Star Line Limited and Zim Israel Navigation Co. Ltd., provides for the establishment and maintenance of a joint service in the trade between U.S. Atlantic and Gulf ports and ports in West Africa.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 21, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-767; Filed, Jan. 25, 1960; 8:54 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 3304 OF THE INTERNAL REVENUE CODE OF 1954

In accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002) notice is hereby given of the following certification:

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico
Connecticut.	New York
Delaware.	North Carolina
District of Columbia.	North Dakota
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Rhode Island.
Indiana.	South Carolina.
Iowa.	South Dakota.
Kansas.	Tennessee.
Kentucky.	Texas.
Louisiana.	Utah.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	Washington.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Mississippi.	Wyoming.
Missouri.	

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1959.

JAMES P. MITCHELL,
Secretary of Labor.

DECEMBER 31, 1959.

[F.R. Doc. 60-754; Filed Jan. 25, 1960; 8:52 a.m.]

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 3303(b)(1) OF THE INTERNAL REVENUE CODE OF 1954

In accordance with section 3 of the Administrative Procedure Act (5 U.S.C. 1002) notice is hereby given of the following certification:

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1959 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1959.

Alabama.	Hawaii.
Arizona.	Idaho.
Arkansas.	Illinois.
California.	Indiana.
Colorado.	Iowa.
Connecticut.	Kansas
Delaware.	Kentucky.
District of Columbia.	Louisiana.
Florida.	Maine.
Georgia.	Maryland.
Massachusetts.	Ohio.
Michigan.	Oklahoma.
Minnesota.	Oregon.
Mississippi.	South Carolina.
Missouri.	South Dakota.
Montana.	Tennessee.
Nebraska.	Texas.
Nevada.	Utah.
New Hampshire.	Vermont.
New Jersey.	Virginia.
New Mexico.	West Virginia.
New York.	Wisconsin.
North Carolina.	Wyoming.
North Dakota.	

JAMES P. MITCHELL,
Secretary of Labor.

DECEMBER 31, 1959.

[F.R. Doc. 60-755; Filed, Jan. 25, 1960; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 14]

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

This statement contains a description of organization of the Civil Aeronautics Board including delegations of final authority from the Board to its staff. Public Notices 11 and 12 are hereby superseded.

GENERAL STATEMENT

GENERAL STATEMENT

SECTION 1.1 *Authority.* The Civil Aeronautics Board derives its authority from and is organized in accordance with the Federal Aviation Act of 1958. It is an independent federal agency comprised of five members appointed for six-year terms by the President with the consent of the Senate, with no more than three members appointed from the same political party. Each year the President designates one member as chairman and another as vice chairman.

The Board exercises its powers independently. Its decisions are not subject to review by any executive department or agency, except for the approval of the President required in Board decisions granting or affecting certificates for overseas and foreign air transportation, and foreign air carrier permits.

SEC. 1.2 *Functions.* In general the Board performs three functions: regulation of the economic aspects of domestic and international United States air carrier operations and of the operations of foreign air carriers to and from the United States, participation in the establishment and development of international air transportation, and promotion of safety in civil aviation. These functions are described briefly in the following paragraphs.

(a) *Economic regulation.* The Board is responsible for granting authorizations to air carriers to engage in interstate and foreign air transportation. It issues permits to foreign air carriers authorizing them to engage in air transportation between the United States and foreign countries, and also authorizes the navigation of foreign civil aircraft in the United States for other purposes.

The Board has jurisdiction over tariffs, and the rates and fares charged the public for air transportation; it establishes rates for the carriage of mail by air carriers; and it authorizes and pays subsidy to certain air carriers where required for development of an adequate air transportation system.

In the interest of maintaining regulated competition, the Board passes on mergers, acquisitions of control and interlocking relationships involving air carriers and passes on contracts for cooperative working arrangements between air carriers. The Board also has jurisdiction over unfair competitive practices of air carriers and ticket agents selling air transportation.

The Board regulates the accounting practices of air carriers and requires them to file regular financial and operating reports with the Board. Much of the information from these reports is published by the Board and thereby made available to other government agencies and to the general public.

Under Public Law 85-307 the Board guarantees loans to certain air carriers for the purchase of aircraft.

(b) *International civil aviation.* The Board consults with and assists the Department of State in the negotiation of agreements with foreign governments for the establishment or development of air routes and services.

(c) *Safety activities.* The Board investigates accidents involving civil aircraft and makes reports on the facts, circumstances and probable causes thereof; it makes such recommendations to the Administrator of the Federal Aviation Agency as will tend to prevent similar accidents in the future; makes such reports public as may be deemed by it to be in the public interest; and conducts special studies and investigations of aeronautical hazards to reduce aircraft accidents and prevent their recurrence.

Upon the request of aggrieved parties, the Board reviews in quasi-judicial proceedings, conducted pursuant to the Administrative Procedure Act, denials by the Administrator of the Federal Aviation Agency of applications for airman certificates and orders of the Administrator modifying, amending, suspending or revoking any air safety certificates. The Board also participates as an interested party in safety rulemaking proceedings conducted by the Administrator of the Federal Aviation Agency.

SEC. 1.3 *Offices.* The central offices of the Board are located in the Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C. Unless otherwise directed by the Board, all of its meetings are held at the above address. The Bureau of Air Operations, the Bureau of Safety and the Office of Carrier Accounts and Statistics have field offices in various cities of the United States. The location of these offices and description of their functions are included in the sections describing the Office or Bureau of which the field office is a part.

OFFICES OF BOARD MEMBERS

SEC. 2.1 *Functions of the Board Members.* The Board Members are charged with carrying out the duties and responsibilities of the Board under the Act and the statutes. Action initiated pursuant to the Board's own initiative or by any document authorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see below), final action is taken by the Board.

SEC. 2.2 *Functions of the Chairman.* In addition to his duties as a Member of the Board, the Chairman serves as presiding officer at meetings of the Board, determines the order in which day-to-day matters will receive attention of the Board, and by virtue of his role as Chairman, acts as spokesman for the Board before committees of Congress.

Pursuant to Reorganization Plan No. 13, of 1950, and subject to certain limitations stated therein, the Chairman is responsible for the executive and administrative functions of the Board.

SEC. 2.3 *Functions of the Executive Director of the Board.* The Executive Director is the chief operating and executive staff official of the Civil Aeronautics Board, assisting the Chairman in the performance of major administrative and executive functions and the Board through the coordination of quasi-judicial matters.

BUREAU OF HEARING EXAMINERS

SEC. 3.1 *Organization.* The Bureau of Hearing Examiners consists of the following components: Office of the Chief Examiner, The Hearing Examiners, Docket Section and Indices Section.

SEC. 3.2 *Functions of the Chief Examiner.* The Chief Examiner supervises the Bureau of Hearing Examiners, which is responsible for the conduct of all formal proceedings under Titles IV, VI and X of the Federal Aviation Act of 1958 in accordance with the requirements of the Procedural Regulations.

SEC. 3.3 *Delegated authority of the Chief Examiner.* By delegation of authority from the Board, the Chief Examiner is authorized to:

A. Approve or disapprove requests for changes in procedural requirements in economic cases for good cause shown, provided that an extension of time for filing documents shall not be granted within three days of the date originally set for the filing except in cases involving unusual hardship on the requesting party or parties.

B. Consolidate, upon recommendation of the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate), into one proceeding cases involving the investigation of a tariff or of complaints concerned with related tariffs.

C. With the concurrence of the Director, Bureau of Air Operations (or such staff member of the Bureau of Air Operations as he may designate): grant intervention in formal proceedings; deny intervention in formal proceedings to cities or Chambers of Commerce representing cities which are off-line points; dismiss applications or complaints when such dismissal is requested or consented to by the applicant or complainant, or where such party has failed to prosecute such application or complaint, provided that in the case of complaints involving the Office of Compliance, the Chief of such office concurs; consolidate into one proceeding for the purpose of hearing and decision, and approve applications for such consolidation, of cases arising under sections 401, 402, 408, 409, and 412 of the Federal Aviation Act; approve or deny any request for the severance of a previous application consolidated in accordance with the preceding authority; and dismiss proceedings upon his finding that the proceeding has become moot or that no further basis for continuation exists.

D. The Chief Examiner also has all the authority delegated to hearing examiners generally as listed in section 3.8.

SEC. 3.4 *Redelegation of authority.* The Chief Examiner is authorized to redelegate the authority cited in subsection 3.3B above.

SEC. 3.5 *Functions of the Hearing Examiners.* Hearing examiners are responsible for conducting proceedings involving the economic regulatory powers of the Board under Titles IV and X of the Federal Aviation Act, including issuance of certificates of public convenience and necessity concerning both domestic and foreign operations, issuance of foreign air carrier permits, mail, passenger and property rate cases, mergers, acquisitions of control, interlocking relationships, and enforcement cases; and safety enforcement proceedings under Title VI of the Act, including disciplinary proceedings involving suspension or revocation of airman certificates and

appeals from action of the Administrator, Federal Aviation Agency, in refusing to issue airman certificates. In carrying out these proceedings examiners hold hearings, make initial decisions, and carry out the other requirements of the Administrative Procedure Act, the Board's procedural regulations, and the delegations of authority to examiners.

SEC. 3.6 *Functions of the Docket Section.* The Docket Section examines all applications, complaints and petitions for compliance with the requirements of the Procedural Regulations, advises and assists persons filing documents with respect to filing requirements; maintains the Official Docket binder on all formal proceedings and issues periodic reports on the status of docketed cases; maintains a copy of all dockets, financial and operational statistical reports, comments on proposed rules and similar material for public reference; and makes official service of notices, reports, decisions and rules on parties to proceedings.

SEC. 3.7 *Functions of the Indices Section.* The Indices Section devises and maintains the master subject index, selects orders and opinions and writes digests to cover points involving precedent for publication in the Civil Aeronautics Board Reports, and periodically prepares cumulative index-digests of Board decisions.

SEC. 3.8 *Delegated authority of Hearing Examiners.* By delegation of authority from the Board, each Hearing Examiner is authorized to:

A. Give notice concerning and hold hearings.

B. Administer oaths.

C. Examine witnesses.

D. Issue subpenas and take or cause depositions to be taken.

E. Rule upon offers of proof and receive relevant evidence.

F. Regulate the course and conduct of the hearing.

G. Hold conferences, before or during the hearing, for the settlement or simplification of issues.

H. Rule on motions and dispose of procedural requests or similar matters.

I. Within his discretion, or upon the direction of the Board, certify any question to the Board for its consideration and disposition.

J. Issue initial decisions in proceedings for the amendment, modification, suspension or revocation of airman or other safety certificates upon appeal from an order of the Administrator of the Federal Aviation Agency, and for the review of the Administrator's refusal to issue an airman certificate.

K. Render an initial decision orally on the record or in writing if, before the close of the hearing, any party so requests in cases relating to rates, fares or charges, classification rules or regulations or practices affecting such matters or value of service, or mail compensation.

L. Render a recommended decision orally on the record or in writing in cases where the action of the Board is subject to the aproval of the President pursuant to section 801 of the Federal Aviation Act of 1958.

M. Render an initial decision orally on the record or in writing in cases relating to economic proceedings other than those covered by paragraphs K and L, above.

BUREAU OF AIR OPERATIONS

SEC. 4.1 *Organization.* The Bureau of Air Operations consists of the following organizational components: Office of the Director, International Division, Routes Division, Special Authorities Division, Rates Division, Alaska Liaison Office.

SEC. 4.2 *Functions of the Director.* The Director supervises the Bureau of Air Operations, which is responsible for the development and interpretation of economic data and for advising the Board regarding, and recommending action on individual matters involving, the policy and procedure to be followed in the economic regulation of domestic, overseas, and international air transportation.

SEC. 4.3 *Delegated authority of the Director.* By delegation of authority from the Board the Director, Bureau of Air Operations, is authorized to take the actions specified below.

A. To terminate or limit Bureau participation in adversary proceedings when full participation is found to be unnecessary. In those cases in which full participation is found unnecessary, the Director will immediately advise the parties to the proceedings and the Examiner of the nature and extent of future Bureau participation. When the Director finds that renewed participation of Bureau personnel is required in the public interest, he shall immediately so advise the parties.

B. To disapprove an application filed under Part 295 of the Economic Regulations by letter stating such disapproval and the reasons therefor and the options the applicant may exercise. If no option is exercised by the applicant within 15 days from the date of the letter, the application shall be considered withdrawn.

C. With respect to route matters he is authorized:

(1) To approve Airport Notices which indicate an intention to serve regularly a point through any airport not regularly used by a holder of a certificate of public convenience and necessity.

(2) To approve Nonstop Notices which indicate an intention to inaugurate a scheduled nonstop service between any two points nonconsecutively named in the certificate of public convenience and necessity.

(3) To approve interchange schedules which appear to conform to the service plan contemplated by the Board's orders approving the basic interchange agreements.

D. With respect to rates and tariffs, he is authorized:

(1) To reject any tariff, supplement, or revised page which is filed by any United States air carrier or by any foreign air carrier, and which is subject to rejection because it is not consistent with section 403 of the Act or with Part 221 of the Economic Regulations.

(2) To approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 221.190 of the Economic Regulations, which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy.

(3) To permit cancellation of a tariff in instances when an investigation of a tariff is pending, or the tariff is under suspension, or when a complaint requesting investigation or suspension of a tariff has been filed.

(4) To approve or disapprove methods for indicating cancellation of an existing rate or rule in the publication of tariffs stating the new rate or rule in a manner other than that specifically required by Subpart H of Part 221 of the Economic Regulations.

(5) To determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement or looseleaf page is suspended by the Board, in accordance with Subpart I of Part 221 of the Economic Regulations.

(6) To authorize the issuance of supplements to looseleaf tariffs in accordance with § 221.112 of the Economic Regulations.

(7) To approve or disapprove applications for waiver of the provisions of Part 221 of the Economic Regulations in accordance with § 221.201.

(8) To approve or disapprove applications filed under section 403(b) of the Act and § 223.8 of the Economic Regulations for permission to furnish free or reduced rate air transportation in overseas or foreign air transportation. If an application is denied the applicant may request Board review of the matter.

E. With respect to special authorities matters he is authorized:

(1) To approve applications for operating authority filed pursuant to Parts 296 and 297 of the Economic Regulations.

(2) To dismiss, by letter, applications for operating authority filed pursuant to Parts 296 and 297 of the Economic Regulations, provided that each applicant is given notice that his application will be dismissed if, in appropriate cases he does not, within 30 days, file information necessary to complete the processing of his application, or file a tariff.

(3) To approve relationships prohibited by §§ 296.45 and 297.36 of the Economic Regulations.

(4) To cancel an operating authority upon the filing by a domestic or international Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

(5) To issue foreign aircraft permits provided for in §§ 375.42 and 375.47 of the Special Regulations if he finds that applications for such permits are in order and meet the requirements of the sections.

(6) To dispose, without action, of contracts and agreements which, prior to review thereof, have expired, have been terminated, or have been superseded.

(7) To approve, in whole or in part, or deny applications for Letters of Reg-

istration filed pursuant to Part 293 of the Economic Regulations.

(8) To approve, in whole or in part, or deny applications for authorization to conduct off-route charter trips filed pursuant to Part 212 of the Economic Regulations.

SEC. 4.4 *Redelegation of authority.* The Director, Bureau of Air Operations has the authority to redelegate all the authority listed in section 4.3 above except subsection 4.3C(3). He may also redelegate the recommendation authority cited in subsection 3.3B and the concurrence authority cited in subsection 3.3C.

SEC. 4.5 *Redelegations to members of the Director's Office.* The Director of the Bureau of Air Operations has redelegated to the Associate Director (Domestic) and to the Associate Director (International) all the authority listed in section 4.3 above except subsection 4.3C(3).

SEC. 4.6 *Functions of the International Division.* The International Division advises on the formulation of positions to be taken by the United States on international civil aviation matters involving economic foreign policy; serves as liaison between the Board and the Department of State; provides representation, when so designated, in connection with international conferences and bilateral and multilateral relations with foreign countries. In the discharge of these duties the International Division analyzes economic data bearing on the problems to be dealt with.

SEC. 4.7 *Functions of the Routes Division.* The Routes Division is concerned with the legal and economic aspects of matters arising under sections 401, 402, 404, 405(b), 416 and 1002 of the Federal Aviation Act of 1958 relating to the authorizations of routes and other services required to meet the objectives of the Act, whether by issuance of a certificate of public convenience and necessity, foreign air carrier permit or exemption order, and relating to the determination of the route pattern and the carriers required to provide such services.

SEC. 4.8 *Redelegations of authority to the Chief, Routes Division.* The Director, Bureau of Air Operations, has redelegated to the Chief, Routes Division all the authority pertaining to route matters cited in subsection 4.3C, except the authority stated in subsection 4.3C(3).

SEC. 4.9 *Functions of the Special Authorities Division.* The Special Authorities Division is concerned with the legal and economic aspects of all carrier relationship matters arising under sections 401(h), 402(g), 407(a), 407(b), 407(c), 408, 409, 411, 412, 1002(i) and 1102 of the Act and to matters arising under sections 401, 402, 404, 405(b), 416 and 1002 of the Federal Aviation Act of 1958, and section 1108(b) of the Act relating to the authorizations of supplemental charter and indirect carrier services required to meet the objectives of the Act.

SEC. 4.10 *Redelegations of authority to the Chief, Special Authorities Division.* The Director, Bureau of Air Operations, has redelegated to the Chief, Special Authorities Division, all the authority cited in subsection 4.3E, except the authority cited in subsection 4.3E(5).

SEC. 4.11 *Functions of the Rates Division.* The Rates Division is concerned with the economic and legal aspects of matters relating to the fixing of the compensation to be paid to the airlines by the Government for the transportation of United States mail, including a determination of the service mail rates and subsidy, pursuant to section 406 of the Act, determination of commercial rates pursuant to sections 403, 404, and 1002 of the Act and the commercial rate aspects of International Air Transport Association resolutions.

SEC. 4.12 *Redelegations of authority to the Chief, Tariffs Section of the Rates Division.* The Director, Bureau of Air Operations, has redelegated to the Chief, Tariffs Section, Rates Division, all the authority pertaining to rates and tariffs cited in section 4.3D.

SEC. 4.13 *Bureau Counsel.* An attorney from the Bureau of Air Operations is designated as Bureau Counsel to present the Bureau position in formal proceedings before the Board arising under the Federal Aviation Act of 1958.

SEC. 4.14 *The Alaska Liaison Office.* The Alaska Liaison Office is a field office of the Bureau of Air Operations. It is located at Loussac-Sogn Building, Anchorage, Alaska (P.O. Box 2219). This office is concerned with the administration of the Act and the Economic Regulations as they relate to Alaska air taxi operators and to tariff and service matters affecting Alaskan air carriers; advising the Board and the Bureau Director on Alaskan air transportation problems; and conferring with the Alaskan air carriers, government and civic bodies and with users of air transportation in Alaska.

This office is responsible for posting and maintaining for inspection, copies of applications, petitions, notices and complaints submitted to the Board; copies of tariffs, statistical reports and other documents required to be filed with the Board; documents filed in connection with formal proceedings before the Board; and orders, opinions, rules or regulations issued by the Board; insofar as such matters relate to Alaskan air carriers, Alaskan air taxi operators or air transportation to, from, or within Alaska.

SEC. 4.15 *Redelegations of authority to Alaska Liaison Representative.* The Director, Bureau of Air Operations, has redelegated to the Alaska Liaison Representative, the authorities cited in subsections 4.3D(1), 4.3D(2), 4.3D(6) and 4.3D(7) insofar as they relate to Alaskan Carriers.

BUREAU OF SAFETY

SEC. 5.1 *Organization.* The Bureau of Safety consists of the following organizational components: Office of the Director, Safety Investigation Division, Operations Division, Engineering Division, and Safety Analysis Division.

SEC. 5.2 *Functions of the Director.* The Director supervises the Bureau of Safety, which is responsible for the investigation and analysis of aircraft accidents occurring within the United States, and the investigation and analysis of accidents involving United States flag carriers occurring abroad in conjunction with the government of the country in which the accident occurred. This Bureau is also responsible for investigating aeronautical hazards, making recommendations for corrective action to prevent recurring accidents and for making appropriate recommendations to the Board regarding international aviation activities in the air safety area and air safety matters considered by the Air Coordinating Committee and requiring Board action.

SEC. 5.3 *Delegated authority of the Director.* The Board has delegated to the Director, Bureau of Safety the authority to:

A. Order an inquiry into the facts, conditions, circumstances and probable cause of an accident involving aircraft whenever he deems it necessary in the public interest; and designate, in writing, a presiding officer to conduct the inquiry and appoint additional persons to serve on the Board of Inquiry.

B. Designate one or more hearing officers to sign and issue subpenas, administer oaths and affirmations, and take or cause depositions to be taken in connection with aircraft accident investigations.

C. Designate a hearing officer to conduct special studies and investigations on matters pertaining to safety in air navigation, sign and issue subpenas, administer oaths and affirmations and take and cause depositions to be taken.

SEC. 5.4 *Functions of the Safety Investigation Division.* This Division is responsible for the development of accident investigation procedures and techniques, and for the administration of the accident investigation program. Through its field offices, described below, it conducts aircraft accident investigations. It is also responsible for conducting public accident inquiries to determine the facts, conditions, circumstances, and probable cause of aircraft accidents and prepares formal accident investigation reports for adoption by the Board. In addition, the Safety Investigation Division programs and directs special investigations, surveys, and studies relating to incidents, operational procedures and hazards capable of causing serious accidents in order to make recommendations to the Administrator of the Federal Aviation Agency for the implementation of accident prevention measures.

Field Offices of the Safety Investigation Division. Air Safety Investigators assigned to the Division's field offices conduct the accident investigations, special investigations, studies and surveys mentioned above. In the course of their accident investigations they maintain coordination with other interested government agencies and industry representatives. They also participate in

public hearings and deposition taking, and prepare reports stating the facts, conditions and circumstances discovered during the investigation and the investigators' recommendation of what the finding of probable cause should be.

The Safety Investigation Division's field offices are located as follows:

Field Office Address	Territory
Federal Building, Room 101, New York International Airport, Jamaica, N.Y.	Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia and Virginia.
P.O. Box 48-0931, Miami International Airport, Miami 48, Fla.	North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi.
6127 West Cermak Road, Cicero, Ill.	Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota.
4825 Troost Avenue, Kansas City 10, Mo.	Missouri, Iowa, South Dakota, Nebraska and Kansas.
P.O. Box 105, Ft. Worth 1, Tex..	Texas, Oklahoma, Arkansas and Louisiana.
1725 Centinela Avenue, Inglewood, Los Angeles, Calif.	Arizona and that portion of California and Nevada south of the following boundary: intersection of the coastline and the 36th parallel eastward to longitude 118°30', thence northerly along the ridge of the Sierra Nevada Mountains to longitude 119°30' and parallel 38° to the Utah State line.
1549 Emporia Street, Aurora, Colo.	Wyoming, Colorado, New Mexico, and Utah.
P.O. Box 2386, Oakland Airport Station, Oakland 14, Calif.	The northern portion of Nevada and California north of Los Angeles office boundary.
Room 202, Administration Building, King County Airport, Seattle 8, Wash.	Washington, Oregon, Idaho and Montana.
P.O. Box 2219, Anchorage, Alaska.	Alaska.

SEC. 5.5 *Delegated authority of Presiding Officers and Hearing Officials.* Presiding Officers and Hearing Officials appointed by the Director, Bureau of Safety pursuant to delegation of authority stated in subsections 5.3B and 5.3C have the authority to hold hearings, to sign and issue subpenas, administer oaths and affirmations, examine witnesses, receive evidence and take or cause depositions to be taken.

SEC. 5.6 *Functions of the Operations Division.* The Operations Division is responsible for providing specialized staff services in the area of aircraft operations. Its specialists in air carrier, general aviation, helicopter and jet operations, meteorology and air traffic control, participate directly in aircraft accident investigations. They participate in public inquiries by testifying and questioning witnesses, and assist in the preparation of the Board's accident report. They also participate in special safety studies and investigations of aeronautical hazards and safety incidents and draft comments and recommendations for corrective action to be forwarded to the Administrator of the Federal Aviation Agency; and they draft comments on safety rules and standards proposed by the Federal Aviation Agency.

SEC. 5.7 *Functions of the Engineering Division.* This Division provides specialized staff services in the area of engineering and airworthiness. Division personnel participate in the investigation of aircraft accidents, assist in the conduct of public inquiries and prepare the technical portion of accident reports. The Division makes recommendations on engineering problems to further air safety and assist in eliminating aeronautical hazards, drafts comments and recommendations to the Administrator, Federal Aviation Agency, thereon, and represents the Board on committees wherein engineering and airworthiness problems are involved.

SEC. 5.8 *Functions of the Safety Analysis Division.* This Division is charged with the responsibility for the detailed analysis of all civil aircraft accidents, incidents, and flight hazards, to determine all causal and contributory factors necessary for the recommendation of preventive measures; for the researching, collecting, digesting and indexing of technical studies and reports for application to Bureau technical or engineering problems; for preparing and maintaining comprehensive statistics of factors involved in aircraft accidents; for developing, assembling and disseminating recurrent and special statistical analyses reports.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

SEC. 6.1 *Organization.* The Office of Carrier Accounts and Statistics consists of the following organizational components: Office of the Chief, Regulations and Reports Division, Field Audits Division, and the Research and Statistics Division.

SEC. 6.2 *Functions of the Chief.* The Chief supervises the Office of Carrier Accounts and Statistics, which is responsible for recommending economic regulations related to the general accounting and statistical reporting programs and participating with the General Counsel in the formulation of such regulations; administering the Board accounting and reporting regulations; approving all accounting and economic statistical data prepared for release as an official publication; providing expert advice and assistance to the Board and staff on accounting, auditing and statistical matters; and representing the Board at interdepartmental, industry and international conferences at the discretion of the Board.

SEC. 6.3 *Delegated authority.* Under delegated authority from the Board the Chief, Office of Carrier Accounts and Statistics, is authorized to take any or all of the following actions in administering the accounting, reporting and record-retention requirements of Parts 234, 241, 242, 243, 244, 248, and 249 of the Economic Regulations:

A. Waive any of the accounting, reporting and record-retention requirements as warranted, to meet temporary or local conditions.

B. Interpret the Board's accounting, reporting, and record-retention requirements.

C. Require submission by carriers of special statements necessary to an explanation of any carrier accounting or reporting practices.

D. Establish detailed standard accounting, reporting and record-retention practices required to achieve conformance with regulations promulgated by the Board.

E. Grant or deny individual requests for extension of time for filing reports.

F. Dismiss, by letter, petitions for Board action when such dismissal is requested, or consented to, by petitioner.

G. Grant or deny by letter, with the concurrence of the General Counsel and the Director, Bureau of Air Operations, requests for confidential treatment of preliminary year-end financial reports.

H. Extend, with the concurrence of the Director, Bureau of Enforcement, the time period for the preservation of records relating to errors, oversales, irregularities and delays in handling passengers (§ 249.11(f), Category No. 303(a) of the Schedule of Records to Part 249 of the Economic Regulations).

I. Grant or deny by letter, individual requests by air carriers for permission to use their own continuous-feed machine reporting forms, where Board approval for the use of such forms is required by the Economic Regulations.

SEC. 6.4 *Redelegation of authority.* The Chief, Office of Carrier Accounts and Statistics has the power to redelegate all the authority recited in section 6.3 above except that recited in paragraph 6.3B.

SEC. 6.5 *Functions of the Regulations and Reports Division.* The Regulations and Reports Division develops and recommends uniform systems of periodic financial operational and accounting reports, and necessary revisions thereof for all air carriers; drafts instructions and letters of interpretation; recommends modification or waiver of uniform requirements; provides expert advice and assistance on accounting matters; comments on prospectuses relating to the issuance of securities by air carriers when so requested by the Securities and Exchange Commission; conducts desk audits of carrier financial and statistical reports filed with the Board; and maintains liaison with accounting personnel in private, public, and government practice.

SEC. 6.6 *Redelegations of authority to the Chief, Regulations and Reports Division.* The Chief, Office of Carrier Accounts and Statistics, has redelegated to the Chief, Regulations and Reports Division, the authority cited in subsections 6.3E, 6.3F, and 6.3H.

SEC. 6.7 *Functions of the Field Audits Division.* The Field Audits Division conducts field examinations of accounts and records of air carriers to insure adherence to the accounting and reporting requirements; obtains correction by carriers of deficiencies in accounting and reporting practices as revealed by audit; collects data requested by other organizational units of the Board requiring access to carrier records, provides expert advice and assistance on auditing matters; and maintains liaison with auditing personnel in industry and other Federal agencies. The Field Audits Division maintains field offices at 2 Park Avenue, Room 2004, New York 16, N.Y.; 207 Second Avenue, San Mateo, Calif.; and the Pacific Building, Room 1401, 324 NE. First Avenue, Miami 32, Fla.

SEC. 6.8 *Functions of the Research and Statistics Division.* The Research and Statistics Division conducts comprehensive economic surveys and studies related to the development and regulation of civil air transportation; develops instructions for the conduct of periodic traffic surveys and other research projects and supervises the technical performance of such projects; prepares recurrent reports of operational and financial data; prepares special reports to meet stipulated requirements and maintains liaison with statistical personnel in industry and government.

OFFICE OF THE GENERAL COUNSEL

SEC. 7.1 *Organization.* The Office of the General Counsel consists of the following organizational components: The Immediate Office of the General Counsel, the Rules and Legislation Division, the Litigation and Research Division, and the Opinion Writing Division.

SEC. 7.2 *Functions of the General Counsel.* The General Counsel supervises the Office of the General Counsel which is responsible for advising the Board and its staff on legal aspects (relating to domestic as well as international or foreign law) of the regulatory and accident investigation activities of the Board; representing the Board in negotiations and at conferences where legal matters are involved; and representing the Board on governmental committees and committees of international organizations. In addition, the Office of the General Counsel performs the functions handled by its three Divisions as stated below.

SEC. 7.3 *Delegated authority of the General Counsel.* The Board has delegated to the General Counsel the authority to:

A. In accordance with the provisions of Part 311 of the Board's Procedural Regulations approve, disapprove, or request further information concerning requests for testimony of Board employees, with respect to their participation in the investigation of aircraft accidents.

B. In safety enforcement proceedings the General Counsel is authorized to: approve or disapprove for good cause shown requests for changes in procedural requirements subsequent to the initial decision; grant or deny requests to file additional briefs pursuant to § 301.47 of the Procedural Regulations; raise on appeal any issue, the resolution of which he deems important to the proper disposition of proceedings under § 301.46 of the Procedural Regulations; dismiss appeals from initial decisions upon his finding that the appellant has failed to prosecute his appeal as required by §§ 301.46 and 301.47 of the Procedural Regulations, that the appellant has requested dismissal of the appeal, or that the matter has otherwise become moot.

C. Approve or disapprove for good cause shown requests to extend the time for filing comments on proposed new or amended regulations.

D. To grant or deny, by letter, any motion made by an air carrier association pursuant to § 263.3 of the Economic Regulations for leave to participate in a Board proceeding in which no formal hearing is held.

SEC. 7.4 *Redelegation of authority.* The General Counsel is authorized to redelegate the authority recited in section 7.3 above.

SEC. 7.5 *Functions of the Rules and Legislation Division.* The Rules and Legislation Division examines legislative proposals of official interest to the Board and prepares comments and reports thereon; drafts proposed legislation; prepares, reviews and interprets regulations and amendments thereto, and insures that the proper procedural steps are followed in the promulgation thereof; and provides legal advice and assistance on matters relating to defense mobilization and internal administration.

SEC. 7.6 *Redelegations of authority to Associate General Counsel, Rules and Legislation.* The General Counsel has redelegated to the Associate General Counsel, Rules and Legislation, the authority stated in subsections 7.3A, 7.3C, and 7.3D.

SEC. 7.7 *Functions of the Litigation and Research Division.* The Litigation and Research Division represents the Board in court actions to which the Board is a party, or is interested, except enforcement litigation handled by the Bureau of Enforcement, and performs legal research and renders legal opinions based thereon on matters relating to the Board's work.

SEC. 7.8 *Functions of the Opinion Writing Division.* In accordance with instructions of the Board, the Opinion Writing Division drafts opinions, orders, certificates and permits in cases where the issues, substantive or procedural, warrant formal expression by the Board; and recommends to the Board appropriate action (a) with respect to motions to review the decision of the Bureau of Enforcement not to institute an enforcement proceeding; (b) on appeals from rules of Examiners, (c) on petitions for reconsideration of previously prepared orders, and (d) with respect to other motions or petitions filed at any time after the Examiner's report is issued.

SEC. 7.9 *Redelegations of authority to the Associate General Counsel, Opinion Writing.* The General Counsel has redelegated to the Associate General Counsel, Opinion Writing, the authority stated in subsection 7.3B.

BUREAU OF ENFORCEMENT

SEC. 8.1 *Organization.* The Bureau of Enforcement consists of the following organizational components: The Office of the Director, the Legal Division, the Investigation Division, and the Service Complaint Section.

SEC. 8.2 *Functions of the Director.* The Director supervises the Bureau of Enforcement which is responsible for the development and execution of a program to obtain compliance with the provisions of the Federal Aviation Act of 1958, and of regulations, orders and other requirements promulgated by the Board.

SEC. 8.3 *Delegated authority of the Director, Bureau of Enforcement.* The Board has delegated to the Director, Bureau of Enforcement, the authority to:

A. Institute an economic enforcement proceeding by docketing a petition for enforcement whenever, in his opinion, there are reasonable grounds to believe that any provision of the Act or any rule, regulation, order, limitation, condition or other requirement established pursuant thereto, has been or is being violated, that efforts to arrive at any adjustment or settlement have failed, and that investigation of the alleged violation is in the public interest.

B. Advise a complainant by letter that no enforcement proceeding will be instituted with respect to his complaint and the reasons therefor; such letter shall have the effect of an order of the Board dismissing the complaint unless the complainant requests the Board to review the ruling.

C. Institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of the provisions of the Act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

D. Additional authority of the Director, Bureau of Enforcement is set forth in Subpart B of Part 302 of the Code of Federal Regulations.

SEC. 8.4 *Functions of the Legal Division.* The Legal Division negotiates with air carriers and ticket agents to obtain voluntary compliance with the Act or Board regulations. The Legal Division also institutes and prosecutes formal actions before the Board against air carriers and ticket agents alleged to have violated the Act or Board orders and regulations, seeking revocation or suspension of operating authority or

entry of orders to cease and desist. This Division also institutes and prosecutes on behalf of the Board, through the Department of Justice and appropriate U.S. Attorneys, civil and criminal actions to obtain compliance with provisions of the Act or regulations of the Board; and represents the Board as amicus curiae or intervenor in litigation between private parties involving possible violations of the Act or regulations thereunder.

SEC. 8.5 *Functions of the Investigation Division.* The Investigation Division conducts investigations of alleged or suspected violations of the economic provisions of the Act and of the Board's Economic Regulations on its own initiative, by request of the Board or other Offices or Bureaus of the Board, or on the basis of complaints received from outside individuals, organizations or air carriers; makes reports on all investigations performed for use in considering or effecting compliance actions; testifies at Board hearings or in court cases; and performs field studies and other investigations as assigned.

SEC. 8.6 *Functions of the Service Complaint Section.* The Service Complaint Section conducts informal investigations of passenger and shipper complaints filed with the Board, seeking to obtain compliance with the economic provisions of the Act or Board regulations by informal means wherever apparent violations are uncovered.

OFFICE OF INFORMATION

SEC. 9.1 *The Office of Information.* The Office of Information is responsible for maintaining an effective exchange of information between the Board and Congress and for keeping the aviation industry, the press and the general public advised of the major actions of the Board. This office serves as the primary channel through which inquiries from Congress, the public or the press are handled.

OFFICE OF THE SECRETARY

SEC. 10.1 *The Secretary.* The Secretary is responsible for recording all formal actions of the Board; for processing, including review as to accuracy, form and content, of all documents evidencing such action; and for authenticating Board records for any official purpose. Pursuant to the Federal Aviation Act of 1958, the Secretary has legal custody of records and documents as specified therein.

SEC. 10.2 *Delegations of authority.* The Secretary is authorized to certify as true and correct copies, transcripts of records required by section 1006(c) of the Federal Aviation Act to be filed with the Appellate Court.

OFFICE OF ADMINISTRATION

SEC. 11.1 *Organization.* The Office of Administration consists of the following organizational components: The Office of the Chief, the Budget and Fiscal Section, the Carrier Payments Section, the Management Analysis Section, the Personnel Section, the General Services Section, the Publications Section and the Library.

SEC. 11.2 *Functions.* The Office of Administration is responsible for providing budget, fiscal, management, personnel and other administrative services to the Board and the staff which include: (a) Developing the Board's annual budget estimates for "Salaries and Expenses" as well as estimates of appropriations for "Payments to Air Carriers" and the justification of these estimates before the Bureau of the Budget and the Appropriations Committees of Congress; (b) developing the Board's annual fiscal plan for utilizing the appropriation for "Salaries and Expenses" and maintaining a system for administrative control of expenditures to conform with such plan and the requirements of law and of regulations; (c) disbursement of, and accounting for, subsidy payments to air carriers which involves among other things, review and processing of the carriers' monthly billings; (d) appraisal of and recommendations concerning the organization of the Board, distribution of functions, operating procedures and management techniques and maintenance of a Manual setting forth current organization, methods and administrative practices; (e) recommending and administering personnel policies and programs and insuring that the same comply with the law and regulations; (f) provision for space, equipment, supplies, communications, duplicating and other resources and facilities.

PERSONS IN "ACTING" CAPACITY

SEC. 12.1 *Authority to designate.* The head of each Office and Bureau has the authority to designate a member of his staff to serve as acting head of the Office or Bureau in his absence or disability or to serve as the acting chief of any organizational component of the Office or Bureau in the absence or disability of the chief of such component.

SEC. 12.2 *Authority of person in acting capacity.* The person serving in an acting capacity may exercise all of the authority including delegated authority, which is vested in the officer for whom he serves.

GENERAL DELEGATIONS OF AUTHORITY

SEC. 13.1 *Special agents and auditors.* Special agents and auditors are authorized to inspect and examine lands, buildings, equipment, accounts, records and memoranda of air carriers and to make notes and copies thereof. The terms "special agent" and "auditor" are respectively construed to mean (1) any employee of the Bureau of Enforcement, any employee of the Bureau of Safety and any other employee of the Board specifically designated by it or the Secretary of the Board; and (2) any employee of the Audits Division, Office of Carrier Accounts and Statistics.

SEC. 13.2 *Officers and employees.* All officers and employees of the Board are authorized to request such information from, or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

OPTIONS OF APPLICANT

SEC. 14.1 *Options of applicant where applicant is denied under delegated authority.* Whenever an application is denied by a staff official acting pursuant to a delegation of authority from the Board, the applicant has the following options: He may (a) withdraw his request, (b) modify and resubmit the request, (c) ask that the request be referred to the Board or (d) request a hearing before an Examiner, as appropriate, for the particular case.

Effective: January 8, 1960.

JOHN B. RUSSELL,
Chief, Office of Administration.

[F.R. Doc. 60-758; Filed, Jan. 25, 1960; 8:53 a.m.]

[Docket Nos. 9772, 9920]

SEABOARD & WESTERN AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Postponement of Hearing

Complaint of Seaboard & Western Airlines, Inc. v. Pan American World Airways, Inc., Docket 9772; Complaint of Pan American World Airways, Inc. v. Seaboard & Western Airlines, Inc., Docket 9920.

Notice is hereby given that hearing in the above-entitled proceedings now assigned for January 26, 1960, has been postponed to January 28, 1960, at 10:00 a.m., e.s.t., in Room 513, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., January 25, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-835; Filed, Jan. 25, 1960; 12:20 p.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 60-52]

STANDARD BROADCAST APPLICATIONS

Availability for Processing

JANUARY 21, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules, that on February 27, 1960, the standard broadcast applications listed in the Appendix set forth below will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the list set forth below, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on February 26, 1960, or (b) if action is taken by the Commission on

any listed application prior to February 27, 1960, no later than the close of business on the day preceding the day on which such action is taken, or (c) the day on which a conflicting application was "cut off" because it was timely filed for consideration with an application on a previous such list.

Adopted: January 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

APPLICATIONS FROM THE TOP OF PROCESSING LINE

BP-11796 WRCA, New York, N.Y., National Broadcasting Co., Inc. Has: 660 kc, 50 kw, DA-1, U. Req: 660 kc, 50 kw, U.

BP-12555 NEW, Roseville, Calif., Service Broadcasting Co. Req: 1110 kc, 500 w, DA-1, U.

BP-12557 NEW, Perry, Iowa, Perry Broadcasting Co. Req: 1310 kc, 500 w, DA-Day.

BP-12558 KDES, Palm Springs, Calif., George E. Cameron, Jr. Has: 920 kc, 1 kw, Day. Req: 920 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-12559 WJLD, Homewood, Ala., Johnston Broadcasting Co. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12561 KSYC, Yreka, Calif., Siskiyou County Broadcasting Co. Has: 1490 kc, 250 w, U. Req: 1380 kc, 1 kw, Day.

BP-12564 NEW, Chesterland, Ohio, Northern Ohio Broadcasting Co. Req: 600 kc, 500 w, DA-Day.

BP-12565 WEOK, Poughkeepsie, N.Y., Mid-Hudson Broadcasters, Inc. Has: 1390 kc, 1 kw, Day. Req: 1390 kc, 5 kw, DA-Day.

BP-12567 NEW, Metter, Ga., Radio Metter. Req: 1360 kc, 500 w, Day.

BP-12568 KGAY, Salem, Oreg., KGAY, Inc. Has: 1430 kc, 5 kw, Day. Req: 1550 kc, 5 kw, Day.

BP-12569 KNEZ, Lompac, Calif., KNEZ, Inc. Has: 960 kc, 500 w, Day. Req: 960 kc, 500 w, 1 kw-LS, DA-N, U.

BP-12570 WDLB, Marshfield, Wis., Clarkwood Broadcasting Corp., Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-12575 NEW, Anchorage, Alaska, Sourdough Broadcasters, Req: 590 kc, 5 kw, U.

BP-12580 NEW, Burlington, N.J., Burlington Broadcasting Co. Req: 1460 kc, 5 kw, DA-2, U.

BP-12588 KGFF, Shawnee, Okla., KGFF Broadcasting Company, Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12589 WREV, Reidsville, N.C., Reidsville Broadcasting Company, Inc. Has: 1220 kc, 250 w, Day. Req: 1220 kc, 1 kw, Day.

BP-12590 WBLJ, Dalton, Ga., Dalton Broadcasting Corp. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12596 NEW, Palm Desert, Calif., Palm Desert Broadcasting Co. Req: 1270 kc, 500 w, Day.

BP-12598 NEW, Fairbury, Nebr., Great Plains Broadcasting, Inc. Req: 1310 kc, 500 w, Day.

BP-12600 WKCB, Berlin, N.H., McKee Broadcasting Co. Inc. Has: 1230 kc, 250 w, U. Req: 600 kc, 500 w, 5 kw-LS, U.

BP-12601 WRCO, Richland Center, Wis., Richland Broadcasting Corp. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12602 WLDY, Ladysmith, Wis., Flambeau Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12604 NEW, Glens Falls, N.Y., Plattsburgh Broadcasting Corp., Req: 1220 kc, 1 kw, Day.

BP-12605 WBTH, Williamson, W. Va., Williamson Broadcasting Corp. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12607 KUKO, Slaton, Tex., The Maples-McAlister Broadcasting Co. Has: 1370 kc, 500 w, Day (Post, Tex.). Req: 1370 kc, 500 w, Day (Slaton, Tex.).

BP-12609 WSBA, York, Pa. Susquehanna Broadcasting Co. Has: 910 kc, 1 kw, DA-2, U. Req: 910 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-12615 WHCC, Waynesville, N.C., Radio Station WHCC. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12617 WFOM, Marietta, Ga., Woofum, Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-12618 WRPB, Warner Robins, Ga., Warner Robins Broadcasting Company, Inc. Has: 1350 kc, 1 kw, Day. Req: 1350 kc, 5 kw, Day.

BP-12619 KGRT, Las Cruces, N. Mex., Taylor Enterprises, Inc. Has: 570 kc, 1 kw, Day. Req: 570 kc, 5 kw, Day.

BP-12622 KXXL, Bozeman, Mont., XX Broadcasting Corp. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12625 KWNO, Winona, Minn., Winona Radio Service. Has: 1230 kc, 250 w, U. Req: 1230 kc, 1 kw, DA-Day.

BP-12627 WBAW, Barnwell, S.C., Radio WBAW, Inc. Has: 740 kc, 500 w, Day. Req: 740 kc, 1 kw, Day.

BP-12628 NEW, Jacksonville, Ill., Guy E. McGoughey, Jr. Req: 1550 kc, 1 kw, Day.

BP-12638 KZOL, Farwell, Tex., KZOL Broadcasting Co. Has: 1570 kc, 250 w, Day (Muleshoe, Tex.). Req: 1570 kc, 250 w, Day (Farwell, Tex.).

BMP-8352 KOOD, Honolulu, Hawaii, Ala Moana Broadcasting Company, Inc. Has CP: 990 kc, 1 kw, U. Req. MP: 990 kc, 5 kw, U.

BP-12642 WGAP, Maryville, Tenn., Aluminum Cities Broadcasting Co. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12643 WHMP, Northampton, Mass., Pioneer Valley Broadcasting Co. Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12645 WNBZ, Saranac Lake, N.Y., Upstate Broadcasting Corp. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12646 NEW, Suffolk, Va., Nansemond Broadcasters. Req: 1010 kc, 5 kw, Day.

BP-12647 WTIP, Charleston, W. Va. Chemical City Broadcasting Co. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12650 NEW, Valdese, N.C., Central Broadcasting Co. Req: 1490 kc, 250 w, U.

BP-12657 NEW, Griffin, Ga., Mrs. Gladys McCommon Johnson. Req: 1410 kc, 1 kw, Day.

BP-12658 NEW, Punta Gorda, Fla. Charlotte Radio Co. Req: 1580 kc, 1 kw, DA-Day.

APPLICATIONS ON WHICH SECTION 309(b) LETTERS HAVE BEEN ISSUED

BP-12548 NEW, Boyertown, Pa., Boyertown Broadcasting Co. Req: 690 kc, 250 w, Day.

BP-12554 WGAW, Gardner, Mass., The Gardner Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12624 WFTR, Front Royal, Va., Sky-Park Broadcasting Corp. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12626 WROD, Daytona Beach, Fla., Daytona Beach Broadcasting Corp. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12654 NEW, Fairhope, Ala., Price Broadcasting Corporation, Inc. Req: 1220 kc, 1 kw, Day.

BP-12660 NEW, Reading, Pa., Saul M. Miller. Req: 1550 kc, 1 kw, Day.

APPLICATIONS DELETED FROM PUBLIC NOTICE OF SEPTEMBER 24, 1959 (FCC 59-990) (24 F.R. 7841)

BP-12312 WTTH, Port Huron, Mich., The Times-Herald Co. Has: 1380 kc, 1 kw, DA-1, U. Req: 1380 kc, 5 kw, DA-2, U. (This application was placed in the pending file because of NARBA violation.)

APPLICATIONS DELETED FROM PUBLIC NOTICE OF APRIL 9, 1959 (FCC 59-316) (24 F.R. 2842)

BP-12121 WGMA, Hollywood, Fla., Melody Music, Inc. Has: 1320 kc, 1 kw, Day. Req: 1320 kc, 5 kw, DA-2, U. (In pending file re inconsistency with United States-Mexican Agreement.)

BP-12197 NEW, Bibb City, Ga. Bibb City Broadcasting Co. Req: 850 kc, 500 w, DA-1, U. (In pending file re inconsistency with United States-Mexican Agreement.)

BP-12199 KGFX, Pierre, S. Dak., Ida A. McNeil, Administratrix. Has: 630 kc, 200 w, S.H. Req: 630 kc, 250 w, S.H. (In pending file re inconsistency with NARBA.)

BP-12205 NEW, Houston, Tex., Southern Radio Co. Req: 1070 kc, 10 kw, DA-1, U. (In pending file re inconsistency with NARBA.)

BP-12211 KBLI, Blackfoot, Idaho, KBLI, Inc. Has: 690 kc, 1 kw, Day. Req: 690 kc, 10 kw, Day. (In pending file re inconsistency with United States-Canadian Bilateral Agreement, Daytime Skywave.)

BP-12256 WCMW, Canton, Ohio, Stark Broadcasting Corp. Has: 1060 kc, 1 kw, Day. Req: 1060 kc, 10 kw, DA-Day. (In pending file re inconsistency with NARBA.)

APPLICATIONS DELETED FROM PUBLIC NOTICE OF NOVEMBER 13, 1959 (FCC 59-1146) (24 F.R. 9317)

BP-12468 NEW, Tampa, Fla., The Tamark Broadcasting Co., Inc. Req: 810 kc, 1 kw, DA-1, U. (In pending file re inconsistency with United States-Mexican Agreement.)

[F.R. Doc. 60-760; Filed, Jan. 25, 1960; 8:53 a.m.]

[Docket No. 13352; FCC 60M-137]

JACK T. BAILLIE CO.

Order Scheduling Hearing

In the matter of Jack T. Baillie Company, P.O. Box 268, Salinas, California, Docket No. 13352, order to show cause why there should not be revoked the license for Special Industrial Radio Station KMG504.

It is ordered, This 19th day of January 1960, that Isadore A. Honig will preside at the hearing in the above-entitled pro-

ceeding which is hereby scheduled to commence on April 6, 1960, in Washington, D.C.

Released: January 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-761; Filed, Jan. 25, 1960; 8:54 a.m.]

[Docket No. 13354; FCC 60M-138]

JERRY L. HARDIN

Order Scheduling Hearing

In the matter of Jerry L. Hardin, 1209 South Cherry, Centralia, Illinois, Docket No. 13354, order to show cause why there should not be revoked the license for Citizens Radio Station 18W2625.

It is ordered, This 19th day of January 1960, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 6, 1960, in Washington, D.C.

Released: January 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-762; Filed, Jan. 25, 1960; 8:54 a.m.]

[Docket No. 13351; FCC 60M-136]

ROBERT L. AND MARY MORRIS OARE

Order Scheduling Hearing

In the matter of Robert L. Oare and Mary Morris Oare, 2531 Lucille Drive, Fort Lauderdale, Florida, Docket No. 13351, order to show cause why there should not be revoked the license for Radio Station WJ2909 aboard the vessel "Bob-o-Lou II".

It is ordered, This 19th day of January 1960, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 6, 1960, in Washington, D.C.

Released: January 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-763; Filed, Jan. 25, 1960; 8:54 a.m.]

[Docket No. 12600 etc.; FCC 60M-141]

SHELBY COUNTY BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of H. T. Parrott, R. D. Ingram, J. W. Pickett & Edwin L. Rogers, d/b as Shelby County Broadcasting Company, Shelbyville, Indiana, Docket No. 12600, File No. BP-11202; General Communications, Incorporated, Lafayette, Louisiana, Docket No. 13305, File No. BP-12244; Storz Broadcasting Co. (KOMA), Oklahoma City, Oklahoma, Docket No. 13306, File No. BP-12833; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on January 19, 1960, regarding date for hearing;

It is ordered, This 19th day of January 1960, that the hearing now scheduled for March 9, 1960, is continued to March 29, 1960, at 10:00 a.m.

Released: January 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-764; Filed, Jan. 25, 1960; 8:54 a.m.]

[Docket Nos. 13318, 13319; FCC 60M-143]

UNITED ELECTRONICS LABORATORIES, INC., AND KENTUCKIANA TELEVISION, INC.

Order Continuing Hearing Conference

In re applications of United Electronics Laboratories, Inc., Louisville, Kentucky, Docket No. 13318, File No. BPCT-2640; Kentuckiana Television, Incorporated, Louisville, Kentucky, Docket No. 13319, File No. BPCT-2652; for construction permits for new television broadcast stations (Channel 51).

The Hearing Examiner having under consideration petition filed by United Electronics Laboratories, Inc., on January 19, 1960, requesting continuance of the prehearing conference scheduled herein;

It appearing, that counsel for all other parties have consented to immediate consideration and grant of the petition;

It is ordered, This 19th day of January 1960, that the above petition is granted; and the prehearing conference now scheduled for January 21, 1960 is continued until January 28, 1960, at 10:00 a.m.

Released: January 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-766; Filed, Jan. 25, 1960; 8:54 a.m.]

[Docket No. 13,360]

STANDARD GILSONITE CO.

Order To Show Cause

In the matter of Standard Gilsonite Company, 212 State Exchange Building, Salt Lake City, Utah, Docket No. 13,360, order to show cause why there should not be revoked the license for Special Industrial Radio Station KOL-459.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated July 6, 1959, calling attention to violation (observed June 11, 1959) of the Commission's rules as follows:

Section 11.156(a): Radio station license was not posted at the office control point; also, a properly executed Transmitter Identification Card (FCC Form 452-C) was not affixed to the transmitter on the hill behind the office.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 11, 1959, and sent by Certified Mail, Return Receipt Requested (No. 1,433,596) brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station licensee; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Jerry L. Brown, on August 13, 1959, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 19th day of January 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing[1]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a

to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: January 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60–765; Filed, Jan. 25, 1960; 8:54 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1275]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price in Exchange for Assets of Private Investment Company

JANUARY 18, 1960.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of Section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Bartram Brothers Corporation ("Bartram") on the basis set forth below.

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of November 30, 1959, the net assets of Broad Street, adjusted for dividends and distributions subsequently paid, amounted to $161,981,631.

Bartram, a Delaware corporation, is a personal holding company with forty-nine stockholders (with approximately sixteen other persons having beneficial interests in its stock) which engages in the business of investing and reinvesting its funds. Bartram is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Broad Street and Bartram, substantially all of the cash and securities of Bartram, with a total value of $38,816,224 as of November 30, 1959, will be transferred to Broad Street in exchange for shares of stock of Broad Street. The shares acquired by Bartram are to be distributed immediately to its shareholders, who, with the exception of the holders of approximately 16–20 percent of Bartram's shares, intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Broad Street to be delivered to Bartram will be determined by dividing the net asset value per share of Broad Street in effect at the closing time into the value of the Bartram assets to be exchanged.

The value of the assets of Bartram will be determined in substantially the same manner as used for calculating net asset value for the purpose of issuance of Broad Street's shares. Since the exchange will be tax free for Bartram and its shareholders, Broad Street's cost basis for tax purposes on the assets acquired from Bartram will be the same as for Bartram, rather than the price actually paid by Broad Street for the assets.

Of the assets to be acquired from Bartram, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a value as of November 30, 1959 of $27,784,407. Of this amount, $7,824,829, or approximately 28 percent represented net unrealized appreciation, as compared to net unrealized appreciation on Broad Street's portfolio securities of $51,978,203, or approximately 32 percent of their value, as of the same date.

Approximately $11,031,817 of the securities acquired from Bartram will be sold by Broad Street. The net unrealized appreciation on such securities as of November 30, 1959 amounted to $238,480. Since Broad Street will thus acquire these securities at a tax-cost basis less than the price actually paid therefor, their sale after acquisition will result in artificial capital gains and consequent tax liability thereon to the present shareholders of Broad Street. As an offset to this unfavorable tax consequence, the acquisition of the Bartram assets will result in a potential tax benefit to the present shareholders of Broad Street by reason of a substantial reduction in the net unrealized appreciation applicable to their shares. Assuming the acquisition had occurred as of November 30, 1959, and allowing for the sale of the portfolio securities not to be retained and the redemption of $7,750,000 of Broad Street shares acquired by Bartram stockholders with this intention, the reduction in unrealized appreciation applicable to present shareholders of Broad Street would be approximately $1,800,000.

Applicant points out that the proposed acquisition is in the best interests of its shareholders because the resulting increase in its assets will tend to reduce per share expenses, since it is furnished investment research and administrative facilities and services at cost.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Broad Street and Bartram. The application further states that there is no affiliation or relationship of any kind between the officers and directors of Broad Street and the officers, directors, and stockholders of Bartram.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Broad Street are to be issued to Bartram at a price other than the public offering price stated in the prospectus, which lists a sales charge of 2.22 percent for sales of $250,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 29, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 60–738; Filed, Jan. 25, 1960; 8:49 a.m.]

[File No. 1–1520]

GENERAL TIRE AND RUBBER CO.

Notice of Application To Strike From Listing and Registration, and of Opportunity for Hearing

JANUARY 19, 1960.

In the matter of The General Tire & Rubber Company, 4½ percent Preference

hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

Stock, 4¼ percent Preferred Stock; File No. 1–1520.

Midwest Stock Exchange has made application, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reason alleged in the application for striking this security from listing and registration include the following:

Through conversions and cancellations the number of shares of each issue in the hands of the public has been reduced to an amount which the Exchange deems to be too small to maintain a reasonable Exchange market. On October 27, 1959 there were 2,613 shares of the 4½ percent Preference Stock outstanding held by 60 stockholders, and 4,195 shares of the 4¼ percent Preferred Stock outstanding held by 130 stockholders.

Upon receipt of a request, on or before February 5, 1960, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–739; Filed, Jan. 25, 1960; 8:49 a.m.]

[File No. 70–3848]

NEW ORLEANS PUBLIC SERVICE INC.

Notice of Filing Regarding Proposal to Transfer a Portion of Earned Surplus to Capital Surplus

JANUARY 19, 1960.

Notice is hereby given that New Orleans Public Service Inc. ("New Orleans"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated sections 6(a)(2) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

At November 30, 1959 New Orleans' earned surplus amounted to $11,113,538. To convert a portion of such earned surplus into a more permanent form of capital, New Orleans proposes to transfer from the earned surplus account to the capital surplus account, as of December 31, 1959, the sum of 50 cents per share of its outstanding no par value common stock, or an aggregate of $710,264.89. In the twelve month period ending November 30, 1959, dividends charged to the earned surplus account aggregated $3,891,257 consisting of $631,141 on New Orleans' outstanding preferred stocks and $3,260,116 (at the annual rate of $2.295 per share) on its outstanding common stock.

The declaration states that no State regulatory agency and no Federal commission or agency, other than this Commission, has jursidcition over the proposed transaction, and that no fees or commissions are to be paid, and no special and separable expenses are anticipated in connection with the transaction.

Notice is further given that any interested person may, not later than February 4, 1960, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration may be permitted to become effective as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof or take such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–740; Filed, Jan. 25, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 21, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35969: *Cast iron pressure pipe and fittings from Lynchburg and Radford, Va.* Filed by O. E. Schultz, Agent (ER No. 2528), for interested rail carriers. Rates on cast iron pressure pipe and fittings, in carloads from Lynchburg and Radford, Va., to points in western trunk line and Illinois Freight Association territories, also extended zone C territory in Wisconsin.

Grounds for relief: Market competition with Birmingham, Ala., group.

Tariffs: Supplement 9 to Trunk Line-Central Territory Railroads Tariff Bureau tariff I.C.C. C–5. Agent R. B. LeGrande's tariff I.C.C. 265.

FSA No. 35970: *Roofing and building material from Shops, La.* Filed by Southwestern Freight Bureau, Agent (No. B–7719), for interested rail carriers. Rates on roofing and building materials, in carloads from Shops, La., to points in southern territory, including Mississippi River crossings, Memphis, Tenn., and south, and Helena and West Helena, Ark.

Grounds for relief: Market competition with other southwestern producers.

Tariff: Supplement 29 to Southwestern Freight Bureau tariff I.C.C. 4264.

FSA No. 35971: *Lumber and related articles in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B–7718), for interested rail carriers. Rates on lumber and related articles, in carloads, from, to and between points in southwestern territory.

Grounds for relief: Restore lumber relationships and grouping.

Tariff: Supplement 114 to Southwestern Freight Bureau tariff I.C.C. 3850, and 8 other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60–747; Filed, Jan. 25, 1960; 8:51 a.m.]

[Notice 254]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 21, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62781. By order of January 19, 1960 the Transfer Board approved the transfer to Seaford Marine Boat Haulers, Inc., Seaford, N.Y., of Certificate in No. MC 117802 Sub 1, issued October 5, 1959, to Fred Biegler and Kenneth R. Siegel, a partnership, doing business as Seaford Marine, Seaford, Long Island, N.Y., authorizing the transportation of: Boats, not exceeding 33 feet in length, from Rockport, Maine, to points in Mass., R.I., Conn., N.H., N.J., N.Y., from points in N.Y., to points in Mass., N.J., Conn., R.I., Md., and Fla., and from Colonial Heights, Va., to points

in Conn., Mass., and N.Y., and returned or refused shipments of boats not exceeding 33 feet in length from above-specified destination points to their respective origin points. Arthur J. Piken, Attorney at Law, 160–16 Jamaica Avenue, Jamaica 32, N.Y.

No. MC–FC 62798. By order of January 19, 1960, the Transfer Board approved the transfer to Appel Bros., Inc., a New Jersey Corporation, Jersey City, N.J., of Permit in No. MC 15119, issued May 18, 1943, to Appel Bros., Inc., a New York Corporation, Jersey City, N.J., authorizing the transportation of: Packing house products and dairy products over irregular routes between New York, N.Y., and points in New Jersey; and the substitution of transferee for transferor as party respondent in No. MC 15119 Sub 3. August W. Heckman, Attorney, 880 Bergen Avenue, Jersey City, N.J.

No. MC–FC 62830. By order of January 19, 1960, the Transfer Board approved the transfer to Richard I. Templeton, doing business as Austin Trucking Co., 74 Water Street, Pontiac, Michigan, of a Permit in No. MC 47461 issued April 15, 1943, to Stuart A. Austin, doing business as Austin Trucking Co., Pontiac, Michigan, authorizing the transportation of automobile parts and accessories, over a regular route, between Pontiac, Mich., and Detroit, Mich., serving all intermediate points, and off-route points within five miles of Detroit; and packing-house products and by-products, including fresh meats, and supplies and materials incidental to the operation of a packing-house plant, over irregular routes, from Pontiac, Mich., to points in Michigan within 90 miles of Pontiac.

No. MC–FC 62860. By order of January 19, 1960, the Transfer Board approved the transfer to Clarence Nordby, Clear Lake, Wisconsin, of the operating rights in Certificate No. MC 116716, issued October 21, 1957, to LaVern M. Engebretson, authorizing the transportation, over irregular routes, of livestock, from points in Forest Township, St. Croix County, Wis., and points within 10 miles thereof, to South St. Paul, Minn., barn equipment, building materials, dairy feeds, farm machinery, furniture, household goods, pipe, tile, and washing machines, from Minneapolis, St. Paul, and South St. Paul, Minn., to points in Forest Township, St. Croix County, Wis., and general commodities, excluding household goods and commodities in bulk, between points in four specified towns in Polk County, Wis., Forest, St. Croix County, Wis., and Vance Creek, Barron County, Wis., on the one hand, and, on the other, South St. Paul, St. Paul, and Minneapolis, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC–FC 62873. By order of January 19, 1960, the Transfer Board approved the transfer to Frank W. Stevens, Chandler, Minnesota, of the operating rights in Certificate No. MC 88356, issued January 28, 1952, to Gerrit J. Vander Broek, Chandler, Minnesota, authorizing the transportation, over irregular routes, of livestock, from farms in six specified townships in Murray County, two in Pipestone County, two townships in Nobles County, and those in Battle Plain Township, Rock County, Minn., to Sioux City, Iowa, and Sioux Falls, S. Dak., and livestock, livestock feed, hardware, and agricultural implements, from Sioux City and Sioux Falls to farms in the above-specified townships, and emigrant movables, between points in the above-specified townships, on the one hand, and, on the other, points in South Dakota and Iowa. Wallace W. Huff, 314 Security Bank Building, Sioux City, Iowa, for applicants.

No. MC–FC 62887. By order of January 19, 1960, the Transfer Board approved the transfer to Esty's Transportation Inc., Westbrook, Maine, of a Permit in No. MC 116475 issued November 13, 1957, to Clyde S. Esty and Clyde S. Esty, Jr., doing business as Clyde S. Esty & Son, Westbrook, Maine, authorizing the transportation of Class A, Class B, and Class C explosives and supplies and equipment used and shipped therewith, in shipments not exceeding 10,000 pounds in weight, from the sites of storage magazines of E. I. Du Pont De Nemours & Co., at Gerham and Hampden, Maine, and points in Maine within 25 miles of each point, to points in Massachusetts, New Hampshire, and Vermont, and from Chelmsford, Mass., to points in Maine, and returned shipments of such commodities on the return trip. Mary E. Kelley, 10 Tremont Street, Boston, Mass., Attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–748; Filed, Jan. 25, 1960; 8:51 a.m.]

[No. MC–596]

MOHNK DELIVERY CO.

Reinstatement of Certificate

Sarah C. Karp, doing business as Mohnk Delivery Company, Herbert A. Steele, Administrator (Saginaw, Mich.)

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of January A.D. 1960.

It appearing, that a certificate was issued on January 5, 1942, to Sarah C. Karp, doing business as Mohnk Delivery Company, authorizing transportation, in interstate or foreign commerce, (1) of general commodities, with exceptions, between certain points in Michigan, over regular routes, (2) of general commodities, with exceptions, between certain points in Michigan, over irregular routes, and (3) of specified commodities between certain points in Michigan, over irregular routes;

It further appearing, that by order of July 21, 1958, the Temporary Authorities Board, revoked the said certificate at the request of Sarah C. Karp;

It further appearing, that by petition filed March 9, 1959, Herbert A. Steele, Administrator of the estate of Sarah C. Karp, requested that the order of July 21, 1958, be vacated and set aside, and that the said certificate be transferred to Herbert A. Steele and Donald H. Steele, doing business as Mohnk Delivery Company, as prayed for in the petition for transfer which was concurrently filed;

It further appearing, that by order of June 17, 1959, the entire Commission denied the petition of March 9, 1959, for reinstatement;

And it further appearing, that the said administrator, by petition filed July 17, 1959, requests (1) reconsideration of the order of June 17, 1959, and (2) that the matter be assigned for oral hearing;

Upon consideration of the record in the above-entitled proceedings; and of said petition of July 17, 1959, and good cause appearing therefor:

It is ordered, That the orders of July 21, 1958, and June 17, 1959, be, and they are hereby, vacated and set aside, and that the certificate issued January 5, 1942, be, and it is hereby, reinstated;

It is further ordered, That this order shall be published in the FEDERAL REGISTER;

It is further ordered, That this order shall become effective 30 days after it is published in the FEDERAL REGISTER, unless any party-in-interest shall show cause, if any there be, in a writing verified under oath, why the certificate issued herein on January 5, 1942, should not be reinstated.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 60–749; Filed, Jan. 25, 1960; 8:51 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA–281]

PESTER UNGARISCHE COMMERCIAL BANK

In re: Property indirectly owned by Pester Ungarische Commercial Bank, also known as Hungarian Commercial Bank of Pest; F–34–1704.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F.R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F.R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York in the sum of $7,403.68 arising out of a blocked account maintained by said bank in the name of "Nederlandsche Handel Maatschappij N. V. Sub-Account Pester Ungarische Commercial Bank Budapest, Hungary" together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was indirectly owned by Pester Unga-

rische Commercial Bank, also known as Hungarian Commercial Bank of Pest, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D.C., on January 20, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 60–751; Filed, Jan. 25, 1960; 8:52 a.m.]

[Vesting Order SA–282]

HENRY KLEIN

In re: Property indirectly owned by Henry Klein; F–34–1702.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F.R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F.R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of White, Weld & Co., 20 Broad Street, New York 5, New York, in the sum of $171.65 arising out of a blocked account maintained by said company in the name of "Hollandsche Bank-Unie N. V. Henry Klein Blocked Account" together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned indirectly by Henry Klein, a national of Hungary, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D.C., on January 20, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 60–752; Filed, Jan. 25, 1960; 8:52 a.m.]

[Vesting Order SA–283]

MRS. A. FUHRMANN

In re: Property indirectly owned by Mrs. A. Fuhrmann; F–34–1701.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F.R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F.R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of White, Weld & Co., 20 Broad Street, New York 5, New York, in the sum of $337.04 arising out of a blocked account maintained by said company in the name of "Hollandsche Bank-Unie N.V. Mrs. A. Fuhrmann Blocked Account" together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned indirectly by Mrs. A. Fuhrmann, a national of Rumania, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D.C., on January 20, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F.R. Doc. 60–753; Filed, Jan. 25, 1960; 8:52 a.m.]

CUMULATIVE CODIFICATION GUIDE—JANUARY

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